


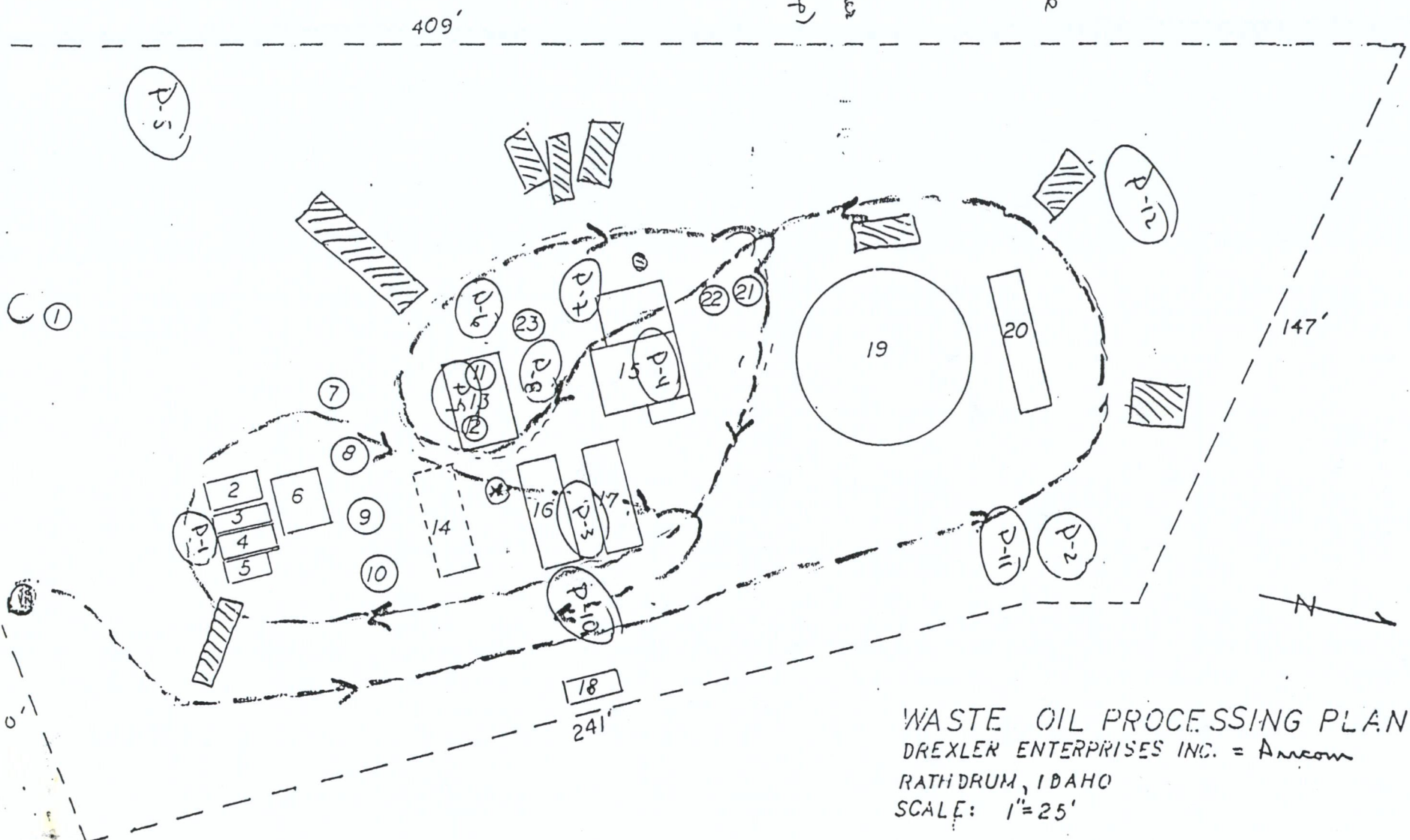


11

- X--- Sample Point Route
- P-# Pictures (12)
-  Baum Valve
-  Pressure used ~~thru~~ container
-  Sample taken (sump)
Atlanta's samples not specified



WASTE OIL PROCESSING PLANT
DREXLER ENTERPRISES INC. = Ancon
RATHDRUM, IDAHO
SCALE: 1"=25'

IDD 00-080-0961

1. Water well
2. T-48 2,000 Gal. Re-refined oil
3. T-23 1,000 Gal. Re-refined oil
4. T-24 1,000 Gal. Re-refined oil
5. T-11 550 Gal. Re-refined oil
6. Electrical storage
7. T-47 2,000 Gal. Water separator
8. T-145 6,000 Gal. Finished oil storage
9. T-120 5,000 Gal. Finished oil storage
10. T-119 5,000 Gal. Finished oil storage
11. T-28 1,200 Gal. Electric heater tank
12. 48" shaker
13. Shaker building
14. T-144 6,000 Gal. Underground finished oil
15. Boiler room with work shop
16. T-142 6,000 Gal. Heater tank with coils
17. T-143 6,000 Gal. Heater tank with coils
18. Truck loading rack
19. T-1071 45,000 Gal. Waste oil storage
20. T-238 10,000 Gal. Waste oil storage
21. U-1 1,200 Gal. Treatment tanks
22. U-2 1,200 Gal. Treatment tanks
23. T-71 3,000 Gal. Fuel storage

RCRA TREATMENT, STORAGE AND DISPOSAL FACILITY INSPECTION FORM
FOR TSD FACILITIES ONLY

COMPANY NAME: Ancum, Inc. EPA I.D. Number: IDA 00-080-0961

COMPANY ADDRESS: 5 ME State Line Hwy 53, Rathdrum, ID.

COMPANY CONTACT OR OFFICIAL: Warren Bingham OTHER ENVIRONMENTAL PERMITS HELD:

TITLE: Owner BY FACILITY: NPDES

AIR

OTHER

INSPECTOR'S NAME: Mike Brown DATE OF INSPECTION: 7-26-92

BRANCH/ORGANIZATION: EPA TIME OF DAY INSPECTION TOOK PLACE: Am

{ Ken Baber
Athena Lalikos
Warren Bingham

1) Is there reason to believe that the facility has hazardous waste on site?

a. If yes, what leads you to believe it is hazardous waste? Check appropriate box:

Company admits that its waste is hazardous during the inspection.

Company admitted the waste is hazardous in its RCRA notification and/or Part A Permit Application.

The waste material is listed in the regulations as a hazardous waste from a nonspecific source (§261.31)

The waste material is listed in the regulations as a hazardous waste from a specific source (§261.32)

The material or product is listed in the regulations as a discarded commercial chemical product (§261.33)

X EPA testing has shown characteristics of ignitability, corrosivity, reactivity or extraction procedure toxicity, or has revealed hazardous constituents (please attach analysis report)

Company is unsure but here is reason to believe that waste materials are hazardous. (Explain)

b. Is there reason to believe that there are hazardous wastes on-site which the company claims are merely products or raw materials?

YES NO DON'T KNOW

X _____ _____

Please explain:

manifests

c. Identify the hazardous wastes by hazardous waste code that are on-site, and estimate approximate quantities of each.

{ Sample taken from
Hw parked
H₂ Trichloroethene
ethyl benzene
methyl chloride
toluene

2) Does the facility generate hazardous waste?

_____ X _____

3) Does the facility transport hazardous waste?

X _____ _____

4) Does the facility treat, store or dispose of hazardous waste?

X _____ _____

{ waste oil recycling
operation

EPA Exhibit 20-
Tdrho

12
#

VISUAL OBSERVATIONS(5) SITE SECURITY (§265.14)

- | | <u>YES</u> | <u>NO</u> | <u>DON'T
KNOW</u> |
|--|------------|-----------|-----------------------|
| a. Is there a 24-hour surveillance system? | — | X | — |
| b. Is there a suitable barrier which completely surrounds the active portion of the facility? | X | — | — |
| c. Are there "Danger-Unauthorized Personnel Keep Out" signs posted at each entrance to the facility? | — | X | — |

} Fence around the area
but no gate

(6) Are there ignitable, reactive or incompatible wastes on site? (§265.27)

- | | | | |
|---|------|---|---|
| a. If "YES", what are the approximate quantities? | X | — | — |
| b. If "YES", have precautions been taken to prevent accidental ignition or reaction of ignitable or reactive waste? | — | X | — |
| c. If "YES", explain | → NW | | |

} lab ~~analysis~~ analysis
revealed that NW was
leaking into the ground

d. In your opinion, are proper precautions taken so that these wastes do not:

- | | | | |
|--|---|---|---|
| - generate extreme heat or pressure, fire or explosion, or violent reaction? | — | + | — |
| - produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health? | — | + | — |
| - produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions? | — | + | — |
| - damage the structural integrity of the device or facility containing the waste? | — | + | — |
| - threaten human health or the environment? | — | + | — |

Please explain your answers, and comment if necessary.

clean up is needed

- e. Are there any additional precautions which you would recommend to improve hazardous waste handling procedures at the facility?

(7) Does the facility comply with preparedness and prevention requirements including maintaining: (§265.32)

} No No equipment

	YES	NO	DON'T KNOW
--	-----	----	---------------

- an internal communications or alarm system? — X —
- a telephone or other device to summon emergency assistance from local authorities? — X —
- portable fire equipment? — X —
- adequate aisle space? — X —
- in your opinion, do the types of wastes on site require all of the above procedures, or are some not needed? Explain. — X —

← telephone out of order

In your opinion, do the types of wastes on site require all of the above procedures, or are some not needed? Explain.

- "(8) Have you inspected to verify that the groundwater monitoring wells (if any) mentioned in the facility's groundwater monitoring plan (see no. 19 below) are properly installed? — Y/A —

- If you have, please comment, as appropriate.

- (9) a. Is there any reason to believe that groundwater contamination already exists from this facility? If "YES", explain. — — —

b. Do you believe that operation of this facility may affect groundwater quality? — — —

c. If "YES", explain. — — —

RECORDS INSPECTION

- (10) Has the facility received hazardous waste from an off-site source since Nov. 19, 1980 (effective date of the regulations)? — X —

a. If "YES", does it appear that the facility has a copy of a manifest for each hazardous waste load received? — — —

b. How many post-November 19 manifests does it have? (If the number is large, you may estimate) — — —

c. Does each manifest (or a representative sample) have the following information? — — —

- a manifest document number — — —

Records & all manifests
impounded by FBI for
thorough investigation

YES NO DON'T
KNOW

- the generator's name, mailing address, telephone number, and EPA identification number ☒ ☐ ☐
 - the name, and EPA identification number of each transporter ☒ ☐ ☐
 - the name, address and EPA identification number of the designated facility and an alternate facility, if any; ☒ ☐ ☐
 - a DOT description of the wastes ☒ ☐ ☐
 - the total quantity of each hazardous waste by units of weight or volume, and the type and number of containers as loaded into or onto the transport vehicle ☒ ☐ ☐
 - a certification that the materials are properly classified, described, packaged, marked, and labeled, and are in proper condition for transportation under regulations of the Department of Transportation and the EPA ☒ ☐ ☐
- d. Are there any indications that unmanifested hazardous wastes have been received since November 19, 1980? If YES, explain. ☒ ☐ ☐

(11) Does the facility have a written waste analysis plan specifying test methods, sampling methods and sampling frequency? (§265.13)

☒ ☐ ☐

- a. Does the character of wastes handled at the facility change from day to day, week to week, etc., thus requiring frequent testing?
(You may check more than one)
Waste characteristics vary ☐
All wastes are basically the same ☐
Company treats all waste as hazardous ☐
Don't Know ☐

- b. Does hazardous waste come to this facility from off-site sources? ☒ ☐ ☒

- c. If waste comes from an off-site source, are there procedures in the plan to insure that wastes received conform to the accompanying manifest? ☒ ☐ ☐

(12) INSPECTIONS (§265.15)

- a. Does the facility have a written inspection schedule? ☒ ☐ ☐
- b. Does the schedule identify the types of problems to be looked for and the frequency for inspections? ☒ ☐ ☐
- c. Does the owner/operator record inspections in a log? ☒ ☐ ☐
- d. Is there evidence that problems reported in the inspection log have not been remedied? If "YES," please explain. ☒ ☐ ☐

(13) PERSONNEL TRAINING (\$265.16)

a. Is there written documentation of the following:

- job title for each position at the facility related to hazardous waste management and the name of the employee filling each job? — — —
- type and amount of training to be given to personnel in jobs related to hazardous waste management? — — —
- actual training or experience received by personnel? — — —

(14) Does the facility have a written contingency plan for emergency procedures designed to deal with fires, explosion or any unplanned release of hazardous waste? (\$265.51) — — —

a. Does the plan describe arrangements made with local authorities? — — —

b. Has the contingency plan been submitted to local authorities? — — —

How do you know? — — —

c. Does the plan list names, addresses, and phone numbers of Emergency Coordinators? — — —

d. Does the plan have a list of what emergency equipment is available? — — —

e. Is there a provision for evacuating facility personnel? — — —

f. Was an Emergency Coordinator present or on call at the time of the inspection? — — —

(15) Does the owner/operator keep a written operating record with: (\$265.73)

- a description of wastes received with methods and dates of treatment, storage or disposal? — — —
- location and quantity of each waste? — — —
- detailed records and results of waste analysis and treatability tests performed on wastes coming into the facility? — — —
- detailed operating summary reports and description of all emergency incidents that required the implementation of the facility contingency plan? — — —

(16) Does the facility have written closure and post-closure plans? (\$265.110) — — —

a. Does the written closure plan include:

- a description of how and when the facility will be partially (if applicable) and ultimately closed? — — —

	YES	NO	DON'T KNOW
- an estimate of the maximum inventory of wastes in storage or treatment at any time during the life of the facility?		X	
- a description of the steps necessary to decontaminate facility equipment during closure?			
- a schedule for final closure including the anticipated date when wastes will no longer be received and when final closure will be completed?			
b. What is the anticipated date for final closure?			
c. Does the owner/operator have a written post-closure plan identifying the activities which will be carried on after closure and the frequency of these activities?			
d. Does the written post-closure plan include:			
- a description of planned groundwater monitoring activities and their frequencies during post-closure?		N/A	
- a description of planned maintenance activities and frequencies to ensure integrity of final cover during post-closure?			
17) Does the owner/operator have a written estimate of the cost of closing the facility? (§265.142) What is it?		X	
18) Does the owner/operator have a written estimate of the cost for post-closure monitoring and maintenance? What is it? (§265.144)		N/A	
19) Has a groundwater monitoring program been implemented?		N/A	
a. If "yes," has the facility installed 1 upgradient and 3 downgradient monitoring wells?			
b. Is there a groundwater sampling and analysis available at the facility?			
c. Does the water sampling and analysis plan include procedures and techniques for:			
- Sample collection			
- Sample preservation and shipment			
- Analytical procedures			
- Chain of custody procedures			

-6a-

	<u>YES</u>	<u>NO</u>	<u>DON'T KNOW</u>
d. Has the facility opted to maintain an alternate groundwater monitoring system?	_____	N/A	_____
e. If answer is "yes" to "d" above, have they submitted the alternate groundwater monitoring plan to the Regional Administrator per 265.90(d)?	_____		_____
f. Has the alternate groundwater monitoring plan been certified by a qualified geologist or geotechnical engineer?	_____		_____
g. Is the facility waiving the groundwater monitoring requirements per §265.90(c)?	_____		_____
h. If answer is "yes" to "g" above, does the written demonstration appear to meet the requirements of §265.90(c)?	_____		_____

Pictures were taken

-7-

SITE-SPECIFIC

Please circle all appropriate activities and answer questions on indicated pages for all activities circled. When you submit your report, include only those site-specific pages that you have used.

STORAGE

Waste Pile p.9

Surface Impoundment p. 8

Container p.7

Tank, above ground p.8

Tank, below ground p.8

TREATMENT

Tank p.8

Surface impoundment pp. 8-9

Incineration pp. 12-13

Thermal Treatment pp. 12-13

Land Treatment pp. 9-10

DISPOSAL

Landfill pp.10-11

Land Treatment pp. 9, 10

Surface Impoundment p.8

Other _____

a. can be entered for inspection _____

b. cannot be entered for inspection _____

Other _____

Chemical, Physical and Biological Treatment (other than in tanks, surface impoundment of land treatment facilities) p. 13

Other _____

CONTAINERS (\$265.170)

1. Are there any leaking containers? If "YES," explain.
2. Are there any containers which appear in danger of leaking? If "YES," explain.
3. Do wastes appear compatible with container materials?
4. Are all containers closed except those in use?
5. Do containers appear to be opened, handled or stored in a manner which may rupture the containers or cause them to leak?
6. How often does the plant manager claim to inspect container storage areas? _____
7. Does it appear that incompatible wastes are being stored in close proximity to one another? If "YES," explain.
8. Are containers holding ignitable or reactive wastes located at least 15 meters (50 feet) from the facility's property line?
9. What is the approximate number and size of containers with hazardous wastes?

YES

NO

DON'T KNOW

X

+

X

X

X

X

X

X

Some containers were overturned & a block sludge like material was leaking out. It is unknown whether the leaking containers had etc.

containers were in bad disrepair & haphazardly placed around the waste & many went missing.

TANKS (\$265.190)

1. Are there any leaking tanks?
If "YES", explain.

YES	NO	DON'T KNOW
<u>X</u>	—	—

45,000 gal ~~large~~ tank
was found to be leaking.
It is not known whether
liquid

2. Are there any tanks which appear in danger of leaking.
If "YES", explain.

<u>X</u>	—	—
----------	---	---

3. Are wastes or treatment reagents being placed in tanks which could cause them to rupture, leak, corrode or otherwise fail?
If "YES", explain.

—	—	<u>X</u>
---	---	----------

4. Do uncovered tanks have at least 2 feet of freeboard or an adequate containment structure?

<u>X</u>	—	—
----------	---	---

5. Where hazardous waste is continuously fed into a tank, is the tank equipped with a means to stop this inflow?

—	—	<u>X</u>
---	---	----------

6. Does it appear that incompatible wastes are being stored in close proximity to one another, or in the same tank?
If "YES", explain.

—	—	<u>X</u>
---	---	----------

7. How often does the plant manager claim to inspect container storage areas?

<u>X</u>	—	—
----------	---	---

Plant is not presently in operation

8. Are ignitable or reactive wastes stored in a manner which protects them from a source of ignition or reaction?
If "YES", explain.

—	<u>X</u>	—
---	----------	---

9. What is the approximate number and size of tanks containing hazardous wastes?

—	<u>X</u>	—
---	----------	---

Owner did not have a good idea about what was present

SURFACE IMPOUNDMENTS (\$265.220)

1. Is there at least 2 feet of freeboard in the impoundment?

—	<u>N/A</u>	—
---	------------	---

2. Do all earthen dikes have a protective cover to preserve their structural integrity?
If "YES", specify type of covering.

—	—	—
---	---	---

3. Is there reason to believe that incompatible wastes are being placed in the same surface impoundment?
If "YES", explain.

—	<u>Y</u>	—
---	----------	---

YESNODON'T
KNOW

4. Are ignitable or reactive wastes being placed in surface impoundments without being treated to remove these characteristics?
If "YES", explain.

W/A

5. Are there any leaks, failures or is there any deterioration in the impoundments?
If "YES", explain.

f

6. Give the approximate size of surface impoundments (gallons or cubic feet).

WASTE PILES (§265.250)

1. Is the waste pile protected from wind erosion?

W/A

- a. Does it appear to need such protection?
b. Explain what type of protection exists.

2. Does it appear that incompatible wastes are being stored in the same waste pile?
If "YES", explain.

3. Is leachate run-off from a pile a hazardous waste?
If "YES", explain this determination and answer (a) and (b) below.

- a. Is the pile placed on an impermeable base that is compatible with the waste?
b. Is the pile protected from precipitation and run-on?

4. In your judgment, are ignitable or reactive wastes managed in such a way that they are protected from any material or conditions which may cause them to ignite?
Please explain or indicate if no such wastes are present.

Are they placed on an existing pile so that they no longer meet the definition of ignitable or reactive waste?
Please explain.

5. How many waste piles are on site, and approximately how large are they?

LAND TREATMENT (§265.270)

1. Can the facility operator demonstrate that the hazardous waste has been made less or non-hazardous by biological degradation or chemical reactions occurring in or on the soil?
Please explain.

W/A

YES NO DON'T
KNOW

- | | | | |
|---|---|-----|---|
| 2. Is run-on diverted away from the active portions of the land treatment facility? | — | W/A | — |
| 3. Is run-off collected? | — | | — |
| 4. Are food chain crops being grown on the facility property? | — | | — |
| a. If "YES", can the facility operator document that arsenic, lead and mercury: | — | | — |
| - will not be transferred to the crop or ingested by food chain animals or | — | | — |
| - will not occur in greater concentrations in the crops grown on the land treatment facility than in the same crops grown on untreated soils. | — | | — |
| b. Has notification of the growing of the food chain crops been made to the Regional Administrator? | — | | — |
| 5. Is there a written and implemented plan for unsaturated zone monitoring? | — | | — |
| 6. Are there records of the application dates, application rates, quantities and location of each hazardous waste placed in the facility? | — | | — |
| 7. Do the closure and post-closure plans address: | — | | — |
| a. control of migration of hazardous wastes into the groundwater? | — | | — |
| b. control of run-off, release of airborne particulate contaminants? | — | | — |
| c. compliance with requirements for the growth of food-chain crops (if they are present)? | — | | — |
| 8. Is ignitable or reactive waste immediately incorporated into the soil so the resulting waste no longer meets that definition? If "YES", explain. | — | | — |
| 9. Are incompatible wastes placed in the same land treatment area? If "YES", explain. | — | | — |
| 10. What is the area of the land receiving hazardous waste treatment? | — | ✓ | — |

LANDFILLS (\$265.300)

- | | | | |
|--|---|-----|---|
| 1. Is run-on diverted away from the active portions of the landfill? | — | W/A | — |
| 2. Is run-off from active portions of the landfill collected? | — | | — |

* Effective date for these requirements is May 19, 1961.

† These requirements are effective November 10, 1961.

- | | | | |
|---|---|----|---|
| 3. Is waste which is subject to wind dispersal controlled?
Explain. | — | NA | — |
| 4. Does the owner/operator maintain a map with: | — | — | — |
| - the exact location and dimensions of each cell | — | — | — |
| - the contents of each cell and approximate location of each hazardous waste type | — | — | — |
| 5. Do the closure and post-closure plans address: | — | — | — |
| - control of pollutant migration via ground water? | — | — | — |
| - control of surface water infiltration? | — | — | — |
| - prevention of erosion? | — | — | — |
| 6. Is ignitable or reactive waste treated before being placed in the landfill?
Explain how you know. | — | ✓ | — |
| 7. Are precautions taken to insure that incompatible wastes are not placed in the same landfill cell?
If "NO", explain. | — | — | — |
| 8. Are bulk or non-containerized wastes containing free liquids placed in the landfill?
If "YES", | — | — | — |
| a. Does the landfill have a liner which is chemically and physically resistant to the added liquid? | — | — | — |
| b. Is the waste treated and stabilized so that free liquids are no longer present? | — | — | — |
| 9. Are containers holding liquid waste or waste containing free liquids placed in the landfill? | — | — | — |
| 10. Are empty containers (e.g. those containing less than 1/2 inch of liquid) placed in the landfills?

If so, are they crushed flat, shredded or similarly reduced in volume before they are buried? | — | — | — |
| 11. What is the approximate area of the hazardous waste landfill? | — | — | — |

* Effective date for this requirement is November 19, 1981.

a. If "YES", what is being burned?
(only burning or detonation
of explosives is permitted)

b. If open burning or detonation of explosives is taking
place, approximately what is the distance from the open
burning or detonation to the property of others?

	YES	NO	DON'T KNOW
6. Does the incinerator appear to be operating properly? (Do emergency shutdown controls and system alarms seem to be in good working order?) Please explain.	---	N/A	---

a. Is there any evidence of fugitive emissions?

7. Is the residue from the incinerator treated
by the owner as a hazardous waste?
Please explain.

8. What types of air pollution control devices (if any)
are installed on the incinerator?

CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT (\$265.400)

1. Does the treatment process system show any
signs of ruptures, leaks, or corrosion?
Please explain.

2. Is there a means to stop the inflow of
continuously-fed hazardous wastes?

3. Is there ignitable or reactive waste fed
into the treatment system?

If "YES", has it been treated or protected
from any material or conditions which may
cause it to ignite or react? If so,
explain how.

Are the incompatible wastes placed in
the same treatment process?
If "YES", explain.

5. Describe the treatment system at this facility.

FORM 1 GENERAL		ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION Consolidated Permits Program (Read the "General Instructions" before starting.)		I. EPA I.D. NUMBER F 1 0 0 0 0 8 0 0 9 6 1	
LABEL ITEMS		PLEASE PLACE LABEL IN THIS SPACE		GENERAL INSTRUCTIONS	
I. EPA I.D. NUMBER				If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.	
III. FACILITY NAME					
V. FACILITY MAILING ADDRESS					
VI. FACILITY LOCATION					

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK 'X'			SPECIFIC QUESTIONS	MARK 'X'		
	YES	NO	FORM ATTACHED		YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)		X		B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)		X	
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)		X		D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)		X	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)	X			F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)		X	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		X		H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)		X	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X		J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	

III. NAME OF FACILITY

1 SKIP DREXLER ENTERPRISES INC

IV. FACILITY CONTACT

A. NAME & TITLE (last, first, & title) B. PHONE (area code & no.)
2 PICKETT ALAN SECRETARY 509 624 7719

V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX B. CITY OR TOWN C. STATE D. ZIP CODE
3 P O BOX 125 4 OTIS ORCHARDS WA 99027

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER B. COUNTY NAME C. CITY OR TOWN D. STATE E. ZIP CODE F. COUNTY CODE (if known)
5 5 MI E STATE LINE HWY 53 KOOTENAI ID 83858 055
6 GRATH DRUM

VII. SIC CODES (4-digit, in order of priority)

A. FIRST				B. SECOND			
2992 (specify) OILS LUBRICATING; RE-REFINING				7 (specify)			
C. THIRD				D. FOURTH			
7 (specify)				7 (specify)			

VIII. OPERATOR INFORMATION

A. NAME										B. Is the name listed in Item VIII-A also the owner?	
DREXLER ENTERPRISES INC										<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)										D. PHONE (area code & no.)	
F = FEDERAL M = PUBLIC (other than federal or state) R (specify) S = STATE O = OTHER (specify) P = PRIVATE										509 624 7719	
E. STREET OR P.O. BOX											
P.O. BOX 125											
F. CITY OR TOWN										G. STATE	
BOTIS ORCHARDS										WA	
										H. ZIP CODE	
										99027	
										IX. INDIAN LAND	
										Is the facility located on Indian lands?	
										<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)										D. PSD (Air Emissions from Proposed Sources)									
9 N										9 P									
B. UIC (Underground Injection of Fluids)										E. OTHER (specify)									
9 U										(specify)									
C. RCRA (Hazardous Wastes)										E. OTHER (specify)									
9 R										(specify)									

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

To transport and re-process (dry and filter) used oil into a useable fuel product.

XIII. CERTIFICATION (see Instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)		B. SIGNATURE		C. DATE SIGNED	
W. A. Pickett Secretary		W. A. Pickett - Secretary		11/17/80	

COMMENTS FOR OFFICIAL USE ONLY

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FOR OFFICIAL USE ONLY

APPLICATION APPROVED

DATE RECEIVED (yr., mo., & day)

COMMENTS

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II. FIRST OR REVISED APPLICATION

Place an "X" in the appropriate box in A or B below (mark one box only) to indicate whether this is the first application you are submitting for your facility or a revised application. If this is your first application and you already know your facility's EPA I.D. Number, or if this is a revised application, enter your facility's EPA I.D. Number in Item I above.

A. FIRST APPLICATION (place an "X" below and provide the appropriate date)

☒ 1. EXISTING FACILITY (See instructions for definition of "existing" facility. Complete item below.)

☐ 2. NEW FACILITY (Complete item below.)

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FOR EXISTING FACILITIES, PROVIDE THE DATE (yr., mo., & day) OPERATION BEGAN OR THE DATE CONSTRUCTION COMMENCED (use the boxes to the left)

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FOR NEW FACILITIES, PROVIDE THE DATE (yr., mo., & day) OPERATION BEGAN OR IS EXPECTED TO BEGIN

B. REVISED APPLICATION (place an "X" below and complete Item I above)

☐ 1. FACILITY HAS INTERIM STATUS

☐ 2. FACILITY HAS A RCRA PERMIT

III. PROCESSES - CODES AND DESIGN CAPACITIES

A. PROCESS CODE - Enter the code from the list of process codes below that best describes each process to be used at the facility. Ten lines are provided for entering codes. If more lines are needed, enter the code(s) in the space provided. If a process will be used that is not included in the list of codes below, then describe the process (including its design capacity) in the space provided on the form (Item III-C).

B. PROCESS DESIGN CAPACITY - For each code entered in column A enter the capacity of the process.

1. AMOUNT - Enter the amount.

2. UNIT OF MEASURE - For each amount entered in column B(1), enter the code from the list of unit measure codes below that describes the unit of measure used. Only the units of measure that are listed below should be used.

PROCESS	PRO- CESS CODE	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY	PROCESS	PRO- CESS CODE	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
Storage:			Treatment:		
CONTAINER (barrel, drum, etc.)	S01	GALLONS OR LITERS	TANK	T01	GALLONS PER DAY OR LITERS PER DAY
TANK	S02	GALLONS OR LITERS	SURFACE IMPOUNDMENT	T02	GALLONS PER DAY OR LITERS PER DAY
WASTE PILE	S03	CUBIC YARDS OR CUBIC METERS	INCINERATOR	T03	TONS PER HOUR OR METRIC TONS PER HOUR; GALLONS PER HOUR OR LITERS PER HOUR
SURFACE IMPOUNDMENT	S04	GALLONS OR LITERS		T04	GALLONS PER DAY OR LITERS PER DAY
Disposal:			OTHER (Use for physical, chemical, thermal or biological treatment processes not occurring in tanks, surface impoundments or incinerators. Describe the processes in the space provided; Item III-C.)		
INJECTION WELL	D79	GALLONS OR LITERS			
LANDFILL	D80	ACRE-FEET (the volume that would cover one acre to a depth of one foot) OR HECTARE-METER			
LAND APPLICATION	D81	ACRES OR HECTARES			
OCEAN DISPOSAL	D82	GALLONS PER DAY OR LITERS PER DAY			
SURFACE IMPOUNDMENT	D83	GALLONS OR LITERS			
UNIT OF MEASURE	UNIT OF MEASURE CODE	UNIT OF MEASURE	UNIT OF MEASURE CODE	UNIT OF MEASURE	UNIT OF MEASURE CODE
GALLONS	G	LITERS PER DAY	V	ACRE-FEET	A
LITERS	L	TONS PER HOUR	D	HECTARE-METER	F
CUBIC YARDS	Y	METRIC TONS PER HOUR	W	ACRES	B
CUBIC METERS	C	GALLONS PER HOUR	E	HECTARES	G
GALLONS PER DAY	U	LITERS PER HOUR	H		

EXAMPLE FOR COMPLETING ITEM III (shown in line numbers X-1 and X-2 below): A facility has two storage tanks, one tank can hold 200 gallons and the other can hold 400 gallons. The facility also has an incinerator that can burn up to 20 gallons per hour.

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LINE NUMBER	A. PRO- CESS CODE (from list above)	B. PROCESS DESIGN CAPACITY	FOR OFFICIAL USE ONLY	LINE NUMBER	A. PRO- CESS CODE (from list above)	B. PROCESS DESIGN CAPACITY	FOR OFFICIAL USE ONLY
		1. AMOUNT (specify)	2. UNIT OF MEAS- URE (enter code)			1. AMOUNT	2. UNIT OF MEAS- URE (enter code)
X-1	S 0 2	600	G	5			
X-2	T 0 3	20	E	6			
1	S 0 2	67,000	G	7			
2	S 0 3	10	Y	8			
3				9			
4				10			

III. PROCESSES (continued)

C. SPACE FOR ADDITIONAL PROCESS CODES FOR DESCRIBING OTHER PROCESSES (code "T04" FOR EACH PROCESS ENTERED HERE
INCLUDE DESIGN CAPACITY.

IV. DESCRIPTION OF HAZARDOUS WASTES

A. EPA HAZARDOUS WASTE NUMBER — Enter the four-digit number from 40 CFR, Subpart D for each listed hazardous waste you will handle. If you handle hazardous wastes which are not listed in 40 CFR, Subpart D, enter the four-digit number(s) from 40 CFR, Subpart C that describes the characteristics and/or the toxic contaminants of those hazardous wastes.

B. ESTIMATED ANNUAL QUANTITY — For each listed waste entered in column A estimate the quantity of that waste that will be handled on an annual basis. For each characteristic or toxic contaminant entered in column A estimate the total annual quantity of all the non-listed waste(s) that will be handled which possess that characteristic or contaminant.

C. UNIT OF MEASURE — For each quantity entered in column B enter the unit of measure code. Units of measure which must be used and the appropriate codes are:

ENGLISH UNIT OF MEASURE	CODE	METRIC UNIT OF MEASURE	CODE
POUNDS.....	P	KILOGRAMS.....	K
TONS.....	T	METRIC TONS.....	M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure taking into account the appropriate density or specific gravity of the waste.

D. PROCESSES

1. PROCESS CODES:

For listed hazardous waste: For each listed hazardous waste entered in column A select the code(s) from the list of process codes contained in Item III to indicate how the waste will be stored, treated, and/or disposed of at the facility.

For non-listed hazardous wastes: For each characteristic or toxic contaminant entered in column A, select the code(s) from the list of process codes contained in Item III to indicate all the processes that will be used to store, treat, and/or dispose of all the non-listed hazardous wastes that possess that characteristic or toxic contaminant.

Note: Four spaces are provided for entering process codes. If more are needed: (1) Enter the first three as described above; (2) Enter "000" in the extreme right box of Item IV-D(1); and (3) Enter in the space provided on page 4, the line number and the additional code(s).

2. PROCESS DESCRIPTION: If a code is not listed for a process that will be used, describe the process in the space provided on the form.

NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER — Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

- Select one of the EPA Hazardous Waste Numbers and enter it in column A. On the same line complete columns B, C, and D by estimating the total annual quantity of the waste and describing all the processes to be used to treat, store, and/or dispose of the waste.
- In column A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In column D(2) on that line enter "included with above" and make no other entries on that line.
- Repeat step 2 for each other EPA Hazardous Waste Number that can be used to describe the hazardous waste.

EXAMPLE FOR COMPLETING ITEM IV (shown in line numbers X-1, X-2, X-3, and X-4 below) — A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operation. In addition, the facility will treat and dispose of three non-listed wastes. Two wastes are corrosive only and there will be an estimated 200 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

LINE NO.	A. EPA HAZARD. WASTE NO. (enter code)				B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	D. PROCESSES									
	1. PROCESS CODES (enter)						2. PROCESS DESCRIPTION (if a code is not entered in D(1))									
X-1	K	0	5	4	900	P	T	0	3	D	8	0				
X-2	D	0	0	2	400	P	T	0	3	D	8	0				
X-3	D	0	0	1	100	P	T	0	3	D	8	0				
X-4	D	0	0	2												included with above

EPA I.D. NUMBER (enter from page 1)
1 0 0 0 0 0 8 0 0 9 6 1

FOR OFFICIAL USE ONLY
W DUP
2 DUP

IV. DESCRIPTION OF HAZARDOUS WASTES (continued)

D. PROCESSES

LINE NO.	A. EPA HAZARD. WASTE NO. (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	1. PROCESS CODES (enter)								2. PROCESS DESCRIPTION (if a code is not entered in D(1))	
				27	28	29	30	31	32	33	34		
1	0001	1,250,000 5000	G	5	0	2							
2			B	5	0	2							
3	F003	20,000 80	G	5	0	2							
4	F005	5,000 20	G	5	0	2							
5	F005	5 1%	Y	5	0	3							Residue (sand, metals, sludge, paint) filter from oil products
6													
7													
8													
9													
10													
11													
12													
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COPY

EPA I.D. NO. (enter from page 1)											
1	2	3	4	5	6	7	8	9	0	1	2
1	0	0	0	0	8	0	0	9	6	1	6

V. FACILITY DRAWING

All existing facilities must include in the space provided on page 5 a scale drawing of the facility (see instructions for more detail).

VI. PHOTOGRAPHS

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment and disposal areas; and sites of future storage, treatment or disposal areas (see instructions for more detail).

VII. FACILITY GEOGRAPHIC LOCATION

LATITUDE (degrees, minutes, & seconds)						LONGITUDE (degrees, minutes, & seconds)								
4	7	4	8	0	1	2	1	1	6	4	8	0	0	0
65	66	67	68	69	70	71	72	73	74	75	76	77	78	79

VIII. FACILITY OWNER

☐ A. If the facility owner is also the facility operator as listed in Section VIII on Form 1, "General Information", place an "X" in the box to the left and skip to Section IX below.

B. If the facility owner is not the facility operator as listed in Section VIII on Form 1, complete the following items:

1. NAME OF FACILITY'S LEGAL OWNER						2. PHONE NO. (area code & no.)					
DREXLER ENTERPRIZES INC.						509-624-7719					
3. STREET OR P.O. BOX						4. CITY OR TOWN					
P.O. BOX 125						OTIS ORCHARDS					
5. ST.						6. ZIP CODE					
WA						99027					

IX. OWNER CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)	B. SIGNATURE	C. DATE SIGNED
W. A. Pickett	W. A. Pickett - Secretary	11/17/80

X. OPERATOR CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)	B. SIGNATURE	C. DATE SIGNED
W. A. Pickett	W. A. Pickett - Secretary	11/17/80

fill-in areas are spaced for elite type, i.e., 12 characters/inch).

FORM 1
GENERAL
EPA

ENVIRONMENTAL PROTECTION AGENCY
GENERAL INFORMATION
Consolidated Permits Program
(Read the "General Instructions" before starting.)

I. EPA I.D. NUMBER
F1 D0000800961

LABEL ITEMS
I. EPA I.D. NUMBER
III. FACILITY NAME
V. FACILITY MAILING ADDRESS
VI. FACILITY LOCATION

RECEIVED
JAN 6 1982
PLEASE PLACE LABEL IN THIS SPACE
PROGRAM DEVELOPMENT SECTION

GENERAL INSTRUCTIONS
If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column. If the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK 'X'			SPECIFIC QUESTIONS	MARK 'X'		
	YES	NO	FORM ATTACHED		YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)		X		B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)		X	
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)		X		D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)		X	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)	X			F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)		X	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		X		H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)		X	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X		J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	

III. NAME OF FACILITY
1 SKIP DREXLER ENTERPRISES INC ARRCOM INC

IV. FACILITY CONTACT
A. NAME & TITLE (last, first, & title)
2 PICKETT ALAN SECRETARY
B. PHONE (area code & no.)
509 624 7719

V. FACILITY MAILING ADDRESS
A. STREET OR P.O. BOX
3 P.O. BOX 125

B. CITY OR TOWN
4 OTIS ORCHARDS
C. STATE
WA
D. ZIP CODE
99027

VI. FACILITY LOCATION
A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER
5 5 MI E STATE LINE HWY 53

B. COUNTY NAME
KOOTENAI
C. CITY OR TOWN
BRATHDRUM
D. STATE
ID
E. ZIP CODE
83858
F. COUNTY CODE (if known)
055

VII. SIC CODES (4-digit, in order of priority)

A. FIRST				B. SECOND			
2992 (specify)				OILS LUBRICATING; RE-REFINING			
C. THIRD				D. FOURTH			
(specify)				(specify)			

VIII. OPERATOR INFORMATION

A. NAME		B. Is the name listed in Item VIII-A also the owner?	
DREXLER ENTERPRISES INC. ARRCOM INC		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)		D. PHONE (area code & no.)	
F - FEDERAL S - STATE P - PRIVATE M - PUBLIC (other than federal or state) O - OTHER (specify) R (specify)		509 624 7719	

E. STREET OR P.O. BOX		F. CITY OR TOWN		G. STATE		H. ZIP CODE		IX. INDIAN LAND	
PO BOX 125		BOTIS, ORCHARDS		WA		99027		Is the facility located on Indian lands? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)		D. PSD (Air Emissions from Proposed Sources)	
9 N		9 P	
B. UIC (Underground Injection of Fluids)		E. OTHER (specify)	
9 U		(specify)	
C. RCRA (Hazardous Wastes)		E. OTHER (specify)	
9 R		(specify)	

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

To transport and re-process (dry and filter) used oil into a useable fuel product.

XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)	B. SIGNATURE	C. DATE SIGNED
W. A. Pickett Secretary	W. A. Pickett - Secretary	11/17/80

COMMENTS FOR OFFICIAL USE ONLY

C	
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Form Approved OMB No. 150-50001

U.S. ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS WASTE PERMIT APPLICATION

Consolidated Permits Program

(This information is required under Section 3005 of RCRA)

EPA I.D. NUMBER 1000000800961

FOR OFFICIAL USE ONLY

APPLICATION DATE RECEIVED (yr, mo, & day) 8/01/97

COMMENTS

II. FIRST OR REVISED APPLICATION

Place an "X" in the appropriate box in A or B below (mark one box only) to indicate whether this is the first application you are submitting for your facility or a revised application. If this is your first application and you already know your facility's EPA I.D. Number, or if this is a revised application, enter your facility's EPA I.D. Number in Item I above.

A. FIRST APPLICATION (place an "X" below and provide the appropriate date)

1. EXISTING FACILITY (See instructions for definition of "existing" facility. Complete item below.)

2. NEW FACILITY (Complete item below.)

FOR NEW FACILITIES, PROVIDE THE DATE (yr, mo, & day) OPERATION BEGAN OR IS EXPECTED TO BEGIN

B. REVISED APPLICATION (place an "X" below and complete item I above)

1. FACILITY HAS INTERIM STATUS

2. FACILITY HAS A RCRA PERMIT

III. PROCESSES - CODES AND DESIGN CAPACITIES

A. PROCESS CODE - Enter the code from the list of process codes below that best describes each process to be used at the facility. Ten lines are provided for entering codes. If more lines are needed, enter the code(s) in the space provided. If a process will be used that is not included in the list of codes below, then describe the process (including its design capacity) in the space provided on the form (Item III-C).

B. PROCESS DESIGN CAPACITY - For each code entered in column A enter the capacity of the process.

1. AMOUNT - Enter the amount.

2. UNIT OF MEASURE - For each amount entered in column B(1), enter the code from the list of unit measure codes below that describes the unit of measure used. Only the units of measure that are listed below should be used.

PROCESS	PROCESS CODE	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
Storage:		
CONTAINER (barrel, drum, etc.)	501	GALLONS OR LITERS
TANK	502	GALLONS OR LITERS
WASTE PILE	503	CUBIC YARDS OR CUBIC METERS
SURFACE IMPOUNDMENT	504	GALLONS OR LITERS
Disposal:		
INJECTION WELL	D79	GALLONS OR LITERS
LANDFILL	D80	ACRE-FEET (the volume that would cover one acre to a depth of one foot) OR HECTARE-METER
LAND APPLICATION	D81	ACRES OR HECTARES
OCEAN DISPOSAL	D82	GALLONS PER DAY OR LITERS PER DAY
SURFACE IMPOUNDMENT	D83	GALLONS OR LITERS

OTHER (Use for physical, chemical, thermal or biological treatment processes not occurring in tanks, surface impoundments or incinerators. Describe the processes in the space provided; Item III-C.)

UNIT OF MEASURE	UNIT OF MEASURE CODE
GALLONS	G
LITERS	L
CUBIC YARDS	Y
CUBIC METERS	C
GALLONS PER DAY	U
LITERS PER DAY	V
TONS PER HOUR	D
METRIC TONS PER HOUR	W
GALLONS PER HOUR	E
LITERS PER HOUR	H

UNIT OF MEASURE CODE

ACRE-FEET. A

HECTARE-METER. F

ACRES. B

HECTARES. Q

EXAMPLE FOR COMPLETING ITEM III (shown in line numbers X-1 and X-2 below): A facility has two storage tanks, one tank can hold 200 gallons and the other can hold 400 gallons. The facility also has an incinerator that can burn up to 20 gallons per hour.

LINE NUMBER	A. PROCESS CODE (from list above)	B. PROCESS DESIGN CAPACITY	FOR OFFICIAL USE ONLY
		1. AMOUNT (specify)	2. UNIT OF MEASURE (enter code)
X-1	S 0 2	600	G
X-2	T 0 3	20	E
1	S 0 2	67,000	G
2	S 0 3	10	Y
3			
4			

PAGE 1 OF 5

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CONTINUE ON REVERSE

III. PROCESSES (continued)

C. SPACE FOR ADDITIONAL PROCESS CODES OR FOR DESCRIBING OTHER PROCESSES (code "T04" FOR EACH PROCESS ENTERED HERE INCLUDE DESIGN CAPACITY.

IV. DESCRIPTION OF HAZARDOUS WASTES

A. EPA HAZARDOUS WASTE NUMBER — Enter the four-digit number from 40 CFR, Subpart D for each listed hazardous waste you will handle. If you handle hazardous wastes which are not listed in 40 CFR, Subpart D, enter the four-digit number(s) from 40 CFR, Subpart C that describes the characteristics and/or the toxic contaminants of those hazardous wastes.

B. ESTIMATED ANNUAL QUANTITY — For each listed waste entered in column A estimate the quantity of that waste that will be handled on an annual basis. For each characteristic or toxic contaminant entered in column A estimate the total annual quantity of all the non-listed waste(s) that will be handled which possess that characteristic or contaminant.

C. UNIT OF MEASURE — For each quantity entered in column B enter the unit of measure code. Units of measure which must be used and the appropriate codes are:

ENGLISH UNIT OF MEASURE CODE
POUNDS P
TONS T

METRIC UNIT OF MEASURE CODE
KILOGRAMS K
METRIC TONS M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure taking into account the appropriate density or specific gravity of the waste.

D. PROCESSES**1. PROCESS CODES:**

For listed hazardous waste: For each listed hazardous waste entered in column A select the code(s) from the list of process codes contained in Item III to indicate how the waste will be stored, treated, and/or disposed of at the facility.

For non-listed hazardous wastes: For each characteristic or toxic contaminant entered in column A, select the code(s) from the list of process codes contained in Item III to indicate all the processes that will be used to store, treat, and/or dispose of all the non-listed hazardous wastes that possess that characteristic or toxic contaminant.

Note: Four spaces are provided for entering process codes. If more are needed: (1) Enter the first three as described above; (2) Enter "000" in the extreme right box of Item IV-D(1); and (3) Enter in the space provided on page 4, the line number and the additional code(s).

2. PROCESS DESCRIPTION: If a code is not listed for a process that will be used, describe the process in the space provided on the form.

NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER — Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

1. Select one of the EPA Hazardous Waste Numbers and enter it in column A. On the same line complete columns B, C, and D by estimating the total annual quantity of the waste and describing all the processes to be used to treat, store, and/or dispose of the waste.
2. In column A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In column D(2) on that line enter "included with above" and make no other entries on that line.
3. Repeat step 2 for each other EPA Hazardous Waste Number that can be used to describe the hazardous waste.

EXAMPLE FOR COMPLETING ITEM IV (shown in line numbers X-1, X-2, X-3, and X-4 below) — A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operation. In addition, the facility will treat and dispose of three non-listed wastes. Two wastes are corrosive only and there will be an estimated 200 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

LINE NO.	A. EPA HAZARDOUS WASTE NO. (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	D. PROCESSES	
				1. PROCESS CODES (enter)	2. PROCESS DESCRIPTION (if a code is not entered in D(1))
X-1	K 0 5 4	900	P	T 0 3 D 8 0	
X-2	D 0 0 2	400	P	T 0 3 D 8 0	
X-3	D 0 0 1	100	P	T 0 3 D 8 0	
X-4	D 0 0 2				included with above

EPA I.D. NUMBER (enter from page 1)

FOR OFFICIAL USE ONLY

W100000800961

W

DUP

2

DUP

IV. DESCRIPTION OF HAZARDOUS WASTES (continued)

LINE NO.	A. EPA HAZARD WASTE NO. (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	D. PROCESSES															
				1. PROCESS CODES (enter)				2. PROCESS DESCRIPTION (if a code is not entered in D(1))											
23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42
1	0001	1,250,000 5000	G	5	0	2													
2			B	5	0	2													
3	F003	20,000 80	G	5	0	2													
4	F005	5,000 20	G	5	0	2													
5	F005	5 1%	Y	5	0	3													Residue (sand, metals, sludge, paint) filter from all products
6																			
7																			
8																			
9																			
10																			
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24																			
25																			
26																			

COPY

IV. DESCRIPTION OF HAZARDOUS WASTE

(continued)

E. USE THIS SPACE TO LIST ADDITIONAL ACCESS CODES FROM ITEM D(1) ON PAGE

EPA I.D. NO. (enter from page 1)

F 100000800961 6

V. FACILITY DRAWING

All existing facilities must include in the space provided on page 5 a scale drawing of the facility (see instructions for more detail).

VI. PHOTOGRAPHS

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment and disposal areas; and sites of future storage, treatment or disposal areas (see instructions for more detail).

VII. FACILITY GEOGRAPHIC LOCATION

LATITUDE (degrees, minutes, & seconds)

47 48 012

LONGITUDE (degrees, minutes, & seconds)

116 48 000

VIII. FACILITY OWNER

☐ A. If the facility owner is also the facility operator as listed in Section VIII on Form 1, "General Information", place an "X" in the box to the left and skip to Section IX below.

B. If the facility owner is not the facility operator as listed in Section VIII on Form 1, complete the following items:

1. NAME OF FACILITY'S LEGAL OWNER

E DREXLER ENTERPRISES INC.

2. PHONE NO. (area code & no.)

509-624-7719

3. STREET OR P.O. BOX

F P.O. BOX 125

4. CITY OR TOWN

G OTIS ORCHARDS

5. ST.

WA

6. ZIP CODE

99027

IX. OWNER CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)

W. A. Pickett

B. SIGNATURE

Sh. A. Pickett - Secretary

C. DATE SIGNED

11/17/80

X. OPERATOR CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)

W. A. Pickett

B. SIGNATURE

Sh. A. Pickett - Secretary

C. DATE SIGNED

11/17/80

49- IDAHO

14

829999

BOOK 304 PAGE 65

NAME Farmer Mortgage Corporation
 ADDRESS 1338 S.W. Bartha Blvd.
 CITY AND STATE Portland, Oregon 97219

PURCHASER'S ASSIGNMENT
OF CONTRACT AND DEED

THE GRANTOR ARRCOM, INC., a Washington corporation

for value received it does hereby convey and quit claim to WARREN W. BINGHAM, a Married man,
as his sole and separate property the grantee,

the following described real estate, situated in the County of Kootenai

Idaho

State of Washington, including any interest therein which grantor may hereafter acquire:

See Exhibit "A" attached hereto and by reference incorporated herein and made a part hereof.

Recorded at the request of KOOTENAI COUNTY, IDAHO CO.
 9- A. M., this JAN 2, 1980 day of JAN 2, 1980
 By: [Signature]
 Fee \$ 4.00

The present unpaid balance is \$26,472.84. Interest is paid to December 1, 1979. Interest is at 8% per annum. Payments are \$500.00 per month due the 1st of each month.

and do hereby assign, transfer and set over to the grantee that certain real estate contract dated the 28th day of December, 1979, between William Alan Pickett and Jean R. Pickett as seller and Arrcom, Inc., a Washington corporation, as purchaser for the sale and purchase of the above described real estate. The grantee hereby assumes and agrees to fulfill the conditions of said real estate contract.

Dated this 14 day of December, 1979.

OREGON
STATE OF ~~WASHINGTON~~
County of MULTNOMAH

ARRCOM, INC. (SEAL)

By George W. Drexler (SEAL)

On this 14 day of December, A.D. 1979, before me, the undersigned a Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared George W. Drexler and President and Secretary, respectively, of Arrcom, Inc., a Washington corporation, the corporation which executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year in this certificate above written.

EXHIBIT "A"

That portion of Tracts 17 and 24, Plat No. 2, GREENACRES IRRIGATION DISTRICT, Kootenai County, Idaho, according to the plat thereof recorded in Book B of Plats at Page 51, records of Kootenai County, Idaho, described as follows:

COMMENCING at the Northeast corner of said Tract 24;
thence, North $89^{\circ}32'45''$ West along the North line of said Tract 24, 208.0 feet to the Southwest corner of land described in the deed to Sam Green and wife recorded October 26, 1961 in Book 187 of Deeds at Page 216; being the TRUE POINT OF BEGINNING; thence, South $10^{\circ}26'45''$ East, 241.15 feet to a point on the Northwesterly line of State Highway 53;
thence, South $49^{\circ}20'$ West along said Northwesterly line, 209.0 feet to an intersection with the Easterly line of land described in the deed to Theodore Day and wife recorded June 2, 1978 in Book 291 of Deeds at Page 449; thence, North $4^{\circ}24'$ West along said Easterly line, 408.0 feet to the most Southerly Southwest corner of land described in the deed to Theodore Day and wife recorded April 21, 1978 in Book 290 of Deeds at Page 484; thence, South $89^{\circ}32'45''$ East along the South line of said Day land, 147.1 feet to a point on the West line of land described in said deed to Sam Green and wife above mentioned; thence, South $0^{\circ}24'$ West along said West line, 31.5 feet to the TRUE POINT OF BEGINNING.

I, Beverly Bright, Clerk of the
Superior Court of Cowlitz County,
State of Washington, hereby certify
that this instrument is a true and
correct copy of the original on file
in my office. 4/16/85

BEVERLY BRIGHT, CLERK

By, Deputy

FILED
SUPERIOR COURT

JAN 13 2 40 PM '82

COWLITZ COUNTY
BEVERLY BRIGHT, CLERK
BY

SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

WARREN W. BINGHAM,

Plaintiff,

vs.

ARRCOM, INC., a Washington
corporation, et al.,

Defendants.

NO. 5 0 5 8 3

JUDGMENT

(Not As To All Claims)

This matter having come on regularly before the Court and
the Court having made its Findings of Fact and Conclusions of Law
and having determined that this lawsuit contains multiple claims
and parties and that there is no reason for delay and that the
interests of justice would be carried out if a partial final
judgment were entered herein, Now, Therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That as between the plaintiff and the defendants Arrcom,
Inc., and George W. Drexler and Hazel M. Drexler, husband and wife,
plaintiff is declared to be the owner of the personal property set
forth in Exhibit "B" and is entitled to immediate possession
thereof and that said defendants are hereby ordered to immediately
grant plaintiff possession thereof and deliver all documents of
title and registration to plaintiff and defendants are ordered
to inform plaintiff of the whereabouts of said personal property
and equipment.

2. That the plaintiff is awarded judgment against Arrcom, Inc.

163

Filed by

LAW OFFICES
Frey & Kenny, P.S.
1414 SIXTEENTH AVENUE, P.O. BOX 1846
LONGVIEW, WASHINGTON 98632
PHONE 577-8700

1 and George W. Drexler and Hazel M. Drexler, husband and wife,
2 in the amount of \$500.00 representing terms that were heretofore
3 granted by the Court.

4 3. That the plaintiff is awarded judgment against defendant
5 Arrcom, Inc. in the amount of \$10,000.00 representing liquidated
6 damages as specified in the agreement between the parties.

7 4. That as between the plaintiff and the defendants Arrcom,
8 Inc. and George W. Drexler and Hazel M. Drexler, husband and wife,
9 and against Aetna Life Insurance Company, Inc., plaintiff's
10 title to the real estate described in Exhibit "A" is hereby
11 established and quieted in fee simple against the claims of
12 the defendant Aetna Life Insurance Company, Inc. and Arrcom, Inc.
13 and George W. Drexler and Hazel M. Drexler, husband and wife,
14 and the same are all and forever barred from having or asserting
15 any right, title, estate, lien or interest in the lands and
16 premises previously described which in any way is adverse to
17 the plaintiff.

18 5. That the defendants Arrcom, Inc. and George W. Drexler
19 and Hazel M. Drexler, husband and wife, have heretofore waived
20 any right to appeal this judgment as it might relate to the
21 title of plaintiff in the personalty and realty described
22 herein.

23 6. That plaintiff is granted judgment in the sum of
24 \$ 3500 ⁰⁰/₁₀₀ representing attorney fees herein against the
25 defendant Arrcom, Inc.

Dated this 13 day of Jan, 1982.

Presented by:

Donald W. Frey
Donald W. Frey, Of Attorneys for Plaintiff

Don't McCall
J U D G E

LAW OFFICES
Frey & Kenny, P.S.
1414 SIXTEENTH AVENUE, P.O. BOX 1846
LONGVIEW, WASHINGTON 98632
PHONE 577-8700

DESCRIPTION

PARCEL A

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, EXCEPTING THE FOLLOWING DESCRIBED TRACTS:

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, COWLITZ COUNTY, WASHINGTON, AND DESCRIBED IN GRANTORS WARRANTY DEED FILE NUMBER 271308, VOLUME 376 PAGE 338, RECORDS OF COWLITZ COUNTY, WASHINGTON. THIS PORTION MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN;

THENCE WEST 125 FEET;

THENCE NORTH 340 FEET;

THENCE EAST 125 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION;

THENCE SOUTH ALONG SAID EAST BOUNDARY TO THE POINT OF BEGINNING.

ALSO EXCEPT:

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, LYING WESTERLY AND SOUTHERLY OF THE CLOVERDALE COUNTY ROAD,

ALSO EXCEPT RIGHT OF WAY OF CLOVERDALE ROAD.

ALSO EXCEPTING:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 16;

THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 373.65 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF CLOVERDALE COUNTY ROAD;

THENCE NORTH 38° WEST 202.1 FEET ALONG SAID COUNTY ROAD RIGHT OF WAY TO A POINT THAT IS 176 FEET SOUTHEAST OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF THAT 60 FOOT EASEMENT DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NO. 749197, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT HERE DESCRIBED;

THENCE NORTH 38° WEST 176 FEET TO SAID SOUTHEASTERLY EASEMENT RIGHT OF WAY
THENCE NORTH 18° EAST 337 FEET ALONG SAID EASEMENT RIGHT OF WAY TO AN ANGLE POINT THEREIN;

THENCE NORTH 31° 30' EAST ALONG SAID EASEMENT RIGHT OF WAY 30 FEET MORE OR LESS TO THE CENTER LINE OF A CREEK;

THENCE EASTERLY ALONG SAID CREEK 150 FEET MORE OR LESS TO A POINT THAT IS NORTH 18° EAST OF THE TRUE POINT OF BEGINNING;

THENCE SOUTH 18° WEST 450 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING

"A"
EXHIBIT "A"

DESCRIPTION CONTINUED

ALSO EXCEPTING

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 16;
THENCE EAST ALONG SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 829 FEET;
THENCE NORTH 340 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE CONTINUING NORTH 320 FEET MORE OR LESS TO THE CENTER OF AN UNNAMED CREEK;
THENCE NORTHEASTERLY ALONG CENTERLINE OF SAID CREEK TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER;
THENCE SOUTH 540 FEET MORE OR LESS TO THE NORTHEAST CORNER OF TRACT CONVEY TO FERN V. SHAPIRO BY DEED RECORDED MARCH 17, 1971 UNDER AUDITOR'S FILE NUMBER 711009;
THENCE WEST ALONG NORTH LINE OF SHAPIRO TRACT AND SAID NORTH LINE EXTENDED WEST A DISTANCE OF 491 FEET TO THE POINT OF BEGINNING.
EXCEPT PORTION IN COUNTY ROAD.

ALSO EXCEPTING:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 16;
THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 125 FEET TO THE TRUE POINT OF BEGINNING;
THENCE WEST 820 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF CLOVERDALE ROAD;
THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF CLOVERDALE ROAD A DISTANCE OF 200 FEET;
THENCE NORTH 18° EAST A DISTANCE OF 450 FEET TO THE CENTER OF AN UNNAMED CREEK;
THENCE NORTHEASTERLY ALONG THE CENTER OF SAID CREEK TO A POINT ON THE WESTERLY LINE OF A TRACT OF LAND CONVEYED TO GERALD D. WALTERS, ET UX, AND RECORDED UNDER AUDITOR'S FILE NUMBER 760194;
THENCE SOUTH ALONG THE WEST LINE OF SAID WALTERS TRACT, A DISTANCE OF 320 FEET TO THE SOUTHWEST CORNER THEREOF;
THENCE EAST ALONG THE SOUTH LINE OF SAID WALTERS TRACT, A DISTANCE OF 355 FEET;
THENCE SOUTH A DISTANCE OF 340 FEET TO THE TRUE POINT OF BEGINNING.

PAGE 3, DESCRIPTION CONTINUED

PARCEL A (CONTINUED)

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE SOUTHWEST CORNER OF SOUTHWEST QUARTER OF SOUTHWEST QUARTER SECTION 16, TOWNSHIP 6 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN;
THENCE EAST ON SOUTH LINE OF ABOVE SUBDIVISION 373.65 FEET TO EAST RIGHT OF WAY LINE OF CLOVERDALE COUNTY ROAD;

THENCE NORTH 38° 00' WEST ALONG SAID RIGHT OF WAY 408.10 FEET TO A POINT;

THENCE NORTH 18° 00' EAST 337.15 FEET TO A POINT;

THENCE NORTH 31° 30' EAST 62.45 FEET TO A POINT;

THENCE NORTH 03° 00' EAST 122.32 FEET TO A POINT;

THENCE NORTH 76° 30' EAST 57.80 FEET TO A POINT;

THENCE NORTH 50° 30' EAST 230.02 FEET TO THE TRUE POINT OF BEGINNING OF THE PROPERTY TO BE CONVEYED;

THENCE SOUTH 47° 30' EAST 137.9 FEET TO AN IRON PIPE;

THENCE NORTH 40° 00' EAST 208.7 FEET;

THENCE NORTH 47° 30' WEST 208.7 FEET;

THENCE SOUTH 40° 00' WEST 208.7 FEET;

THENCE SOUTH 47° 30' EAST 70.8 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL B

BEGINNING AT THE SOUTHWEST CORNER OF SOUTHWEST QUARTER OF SOUTHWEST QUARTER SECTION 16, TOWNSHIP 6 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN;
THENCE EAST ON SOUTH LINE OF ABOVE SUBDIVISION 373.65 FEET TO EAST RIGHT OF WAY LINE OF CLOVERDALE COUNTY ROAD;

THENCE NORTH 38° 00' WEST ALONG SAID RIGHT OF WAY 408.10 FEET TO A POINT;

THENCE NORTH 18° 00' EAST 337.15 FEET TO A POINT;

THENCE NORTH 31° 30' EAST 62.45 FEET TO A POINT;

THENCE NORTH 03° 00' EAST 122.32 FEET TO A POINT;

THENCE NORTH 76° 30' EAST 57.80 FEET TO A POINT;

THENCE NORTH 50° 30' EAST 230.02 FEET TO THE TRUE POINT OF BEGINNING OF THE PROPERTY TO BE CONVEYED;

THENCE SOUTH 47° 30' EAST 137.9 FEET TO AN IRON PIPE;

THENCE NORTH 40° 00' EAST 208.7 FEET;

THENCE NORTH 47° 30' WEST 208.7 FEET;

THENCE SOUTH 40° 00' WEST 208.7 FEET;

THENCE SOUTH 47° 30' EAST 70.8 FEET TO THE TRUE POINT OF BEGINNING.

LOT 2, BLOCK 5, GOERIG'S ADDITION TO WOODLAND, ACCORDING TO
THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 82,
RECORDS OF SAID COUNTY.

EXHIBIT "A"

PARCEL C

LOTS 6, 7, 8, 9, AND 10, BLOCK 2, COMMERCIAL ADDITION TO WOODLAND AS PER
PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 76, RECORDS OF COWLITZ COUNTY,
WASHINGTON.

PERSONAL PROPERTY

The plant and equipment commonly used in the business known as the Rathdrum, Idaho Oil Processing Plant and the Woodland Oil Processing Plant in Cowlitz County, Washington. This equipment includes but is not specifically limited to an automotive shop located in Cowlitz County and all of its parts and tools; and the following:

- Six 25,000 gallon tanks
- One 45,000 gallon tank
- One underground 2,000 gallon tank
- One 6,000 gallon tank
- Four 12,500 gallon tanks
- Three 10,000 gallon tanks
- One 12,500 gallon tank
- One 1,200 gallon tank
- Three phase pumps
- One asphalt pump
- Eight manifolds and valves
- Wiring
- Turn valves
- Oil processors
- Check valves
- One 2,000 gallon tank
- Two 8,000 gallon tanks
- Pumps and plumbing
- 75 yards concrete tank foundations
- Five miscellaneous tanks
- Electrical wiring unit in place,
pumps, heaters, processor
- Oil shakers
- Concrete walks, dike and flat work
- Overhead walkways and ladders
- Piping to tanks, els, unions and tees
- Gate valves 2 1/2"
- Loading valves 12-3"
- Twelve style 20 swing joints
- Twelve style 40 swing joints
- Eighty 8" column pipe
- Twenty 6" column pipe
- Twenty gripstrut steps
- 75' 8" channel
- Pressure washer
- 360' Z-purlins
- Compressor
- Plumbing
- Electrical wiring and service
loading rack
- 250' 5' chain link fence & three gates
- Thermal heater
- Canner
- Painting tanks and rack

Two gal. can canning machine
One qt. can canning machine
Two cooking plants

1972 International tanker	Serial No. 106720 H 338424
1972 International tanker	106720 H 338414
1962 Ford tanker	F75 FU 301 151
1968 King tanker	WA 765 1654
1968 Chevrolet tanker	CS 538 Z 157766
1959 Fruehauf tanker	FR 506 45
1966 Ford	D80N0723201
1967 GMC	CM5670BC9824D
1972 HM (Homemade)	WN8 or 5 169703
1976 Dodge	WK4106A219999
1978 Ford Pickup	P26SRBC3058
1972 International Tractor	2594716508267

1972 International Drain Oil Truck
1972 International Drain Oil Truck
1972 International Trans-Star Tractor
1976 Dodge Sedan
1973 Chevrolet Pick-up
1973 Pace Arrow Motor Home
1960 Chevrolet Drain Oil Truck
1965 Chevrolet Drain Oil Truck
1967 GMC Drain Oil Truck
1966 International Road Oil Truck
1974 Fruehauf Alum. Semi-Trailer 9500 Gal.
1955 Fruehauf Alum. Semi-Trailer 8400 Gal.
2 - 4500 Gallon Pull Trailers
2 - 6500 Gallon Semi-Trailers
1967 Freightline Tractor
1962 Ford F-600 Drain Oil Truck

EXHIBIT "B"

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

WARREN BINGHAM, GEORGE W. DREXLER,
THOMAS DREXLER AND W. ALAN PICKETT,
Defendants.

Civil Action No. _____

COMPLAINT

Plaintiff United States of America at the request of
the Administrator of the Environmental Protection Agency ("EPA")
alleges the following:

1. This is a civil action to recover an administrative
penalty assessed by the Environmental Protection Agency pursuant
to Section 3008(a) and (g) of the Resource Conservation and
Recovery Act, ("RCRA"), 42 U.S.C. § 6928(a) and (g), for
violations of regulations governing owners and operators of
facilities used for the treatment, storage and disposal of
hazardous waste. The regulations are codified at 40 C.F.R.
Parts 260 through 270 (July 1986).

1
2 2. This court has jurisdiction over the subject
3 matter of this action pursuant to 28 U.S.C. §§ 1331, 1345 and
4 1355.

5
6 3. Plaintiff is authorized by 42 U.S.C. § 6928 to
7 bring this action.

8 4. Defendants Warren Bingham, George W. Drexler,
9 Thomas Drexler and W. Alan Pickett did business in the State of
10 Idaho in connection with enterprises known as Arrcom, Incorporated
11 and Drexler Enterprises, Incorporated, and individually.

12
13 5. Defendant Warren Bingham was an owner ("owner
14 defendant") and defendants George W. Drexler, Thomas Drexler
15 and W. Alan Pickett were operators ("operator defendants") of a
16 facility used for the treatment, storage and disposal of waste
17 oil and hazardous waste near Rathdrum, Idaho; on Highway 53.
18 The facility is currently abandoned by the defendants and is
19 the subject of clean up activities by the Environmental Protection
20 Agency pursuant to the Comprehensive Environmental Response,
21 Compensation and Liability Act ("CERCLA" or "Superfund"), 42
22 U.S.C. § 9601 et seq.

23 6. On April 27, 1983, the EPA filed an administrative
24 complaint pursuant to 42 U.S.C. § 6928 alleging that the
25 defendants violated sections 3004 and 3005 of RCRA, 42 U.S.C. §§
26 6924 and 6925 and various provisions of 40 CFR Part 265 in
27 relation to activities at the defendants' facility near Rathdrum,
28

1
2 Idaho. The administrative complaint assessed a \$73,500 penalty
3 against the defendants, jointly and severally. A copy of the
4 administrative complaint is attached as Exhibit 1 and incorporated
5 herein by reference.
6

7 7. The administrative complaint described in paragraph
8 6 was served on defendant W. Alan Pickett personally on June 6,
9 1983, on defendant Thomas Drexler personally on June 7, 1983,
10 and on defendant George W. Drexler personally on June 28, 1983.
11 The complaint was served on defendant Warren Bingham by certified
12 mail on May 3, 1983. Defendants filed separate answers thereafter.
13

14 8. The matter was assigned to Administrative Law
15 Judge Thomas B. Yost. After prehearing exchange, the matter
16 was set for hearing on April 30 and May 1, 1985.
17

18 9. Prior to hearing, defendant Warren Bingham entered
19 into a settlement agreement with EPA, titled an Agreed Order,
20 on the matter. The Agreed Order imposed a \$15,000 penalty
21 against defendant Bingham, which was deferred if the defendant
22 ensured the completion of closure and cleanup activities at the
23 facility. ALJ Yost severed Mr. Bingham from the scheduled
24 hearing as a result of this settlement, and proceeded to hearing
25 against the operator defendants. The Agreed Order is attached
26 to this complaint as Exhibit 2 and is incorporated herein by
reference.
27

28 9. On October 21, 1985, ALJ Yost issued a decision

1
2 and Initial Order in this matter, which upheld the findings and
3 determinations contained in the administrative complaint. ALJ
4 Yost reduced the penalty amount for the operator defendants to
5 \$4,500 based upon the operator defendant's ability to pay. The
6 penalty was imposed jointly and severally against the operator
7 defendants. ALJ Yost's decision became the Final Order in this
8 proceeding when no appeal was taken regarding the Rathdrum
9 complaint. A copy of the decision is attached to the complaint
10 as Exhibit 3 and is incorporated herein by reference.

11
12 10. The Final Order was served upon the operator
13 defendants, and the Agreed Order was entered and served upon
14 the owner defendant. The \$4,500 penalty from the operator
15 defendants became due and payable sixty days after service of
16 the Order. Performance of the Agreed Order conditions, or
17 payment of the penalty by the owner defendant became due on
18 October 30, 1985.

19
20 11. To date, the operator defendants have not tendered
21 payment of the \$4,500 penalty. To date, the owner defendant has
22 not performed the order conditions nor paid the \$15,000 penalty.

23
24 12. Section 3008(c) of RCRA, 42 U.S.C. § 6928(c),
25 provides for the imposition of additional penalties of up to
26 \$25,000 per day for non-compliance with a Final Order issued
27 pursuant to section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

28 WHEREFORE, Plaintiff seeks the imposition of the

1
2 following judgment:

3 1. Judgment for \$4,500 against defendants George
4 Drexler, Thomas Drexler and W. Alan Pickett plus appropriate
5 interest plus \$25,000 per day for each day the defendants
6 did not comply with the Final Order, jointly and severally.
7

8 2. Judgment for \$15,000 against defendant Warren
9 Bingham, plus appropriate interest plus \$25,000 per day for
10 each day the defendant did not comply with the Agreed and Final
11 Order.
12

13 3. Such other relief as the Court deems just and
14 proper.
15

16 Respectfully submitted,
17

18 _____
19 Roger Marzulla
20 Acting Assistant Attorney General
21 Lands & Natural Resources Division
22 Department of Justice
23 Washington, D.C.

24 _____
25 Assistant Attorney General
26 Lands & Natural Resources Division
27 Department of Justice
28 Washington, D.C.

MAURICE ELLSWORTH
United States Attorney
District of Idaho

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Jeffrey Ring
Assistant Attorney General
District of Idaho

Of Counsel

D. Henry Elsen
U.S. Environmental Protection Agency

U.S. Department of Justice

DTB:CSH:
90-11-1-445

Washington, D.C. 20530

December 30, 1987

Maurice Ellsworth
United States Attorney
District of Idaho
Room 328, Federal Building
Box 037
550 W. Fort Street
Boise, Idaho 83724

RECEIVED
JAN 08 1988
OFFICE OF REGIONAL COUNSEL
EPA - REGION X
HEARINGS CLERK
EPA-REGION X

Re: United States v. Warren Bingham, et al.

Dear Mr. Ellsworth:

Enclosed is the original signed complaint in the above-captioned enforcement action. This is a civil action under Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928, seeking to recover administrative penalties assessed against the defendants and for the assessment of civil penalties for violations of administrative orders, RCRA and the regulations promulgated thereunder. The defendants are individuals who owned or operated a hazardous waste storage facility near Rathdrum, Idaho ("Rathdrum facility"). The defendants were the subject of an administrative action brought by the United States Environmental Protection Agency ("EPA") relating to defendants' activities at the Rathdrum facility. Defendant Warren Bingham entered into a consent agreement to resolve the matter as to him. Bingham has failed to comply with the requirements of the consent agreement or to pay the civil penalty assessed. The remaining defendants were found to have committed the violations alleged in the administrative complaint and a civil penalty of \$4,500 was assessed against them jointly and severally. These defendants have failed to pay the civil penalty. The failure of Bingham to comply with the consent agreement and the failure of the remaining defendants to pay the civil penalty assessed are violations of RCRA subject to civil penalties under Section 3008, 42 U.S.C. § 6928. EPA has requested that a civil action be instituted to demonstrate the integrity of its administrative enforcement scheme to the regulated community.

We would appreciate your signing and serving this Complaint in accordance with your local rules and practice. I have been in contact with Jeffrey Ring of your office who is


familiar with this case and with whom we will work closely.
Please send us a stamped copy of the Complaint when it is filed
and copies of all subsequent pleadings and orders in this case.

Thank you for your prompt attention to this matter. We
look forward to working with your office.

Sincerely,

Roger J. Marzulla
Acting Assistant Attorney General
Land and Natural Resources Division

By:


Cynthia S. Huber, Attorney
Environmental Enforcement Section

cc: Carolyn Tillman
D. Henry Elsen

1 ROGER J. MARZULLA
Acting Assistant Attorney General
2 CYNTHIA S. HUBER
Environmental Enforcement Section
3 Land and Natural Resources Division
United States Department of Justice
4 P. O. Box 7611
Ben Franklin Station
5 Washington, D.C. 20044
(202) 633-1197
6 MAURICE ELLSWORTH
7 United States Attorney
8 JEFFREY RING
Assistant United States Attorney
9 Room 328 Federal Building
Box 037
10 550 W. Fort Street
Boise, Idaho 83724
11 (208) 334-1211

12 ATTORNEYS FOR PLAINTIFF

13 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

14 UNITED STATES OF AMERICA,)	
)	
15 Plaintiff,)	
)	Civil No.
16 v.)	
)	
17 WARREN BINGHAM; GEORGE W.)	
18 DREXLER; THOMAS DREXLER; and)	COMPLAINT
W. ALAN PICKETT,)	
)	
19 Defendants.)	
20 _____)	

21 Plaintiff, United States of America, by its undersigned
22 attorneys and at the request of the Administrator of the United
23 States Environmental Protection Agency ("EPA") alleges:

24 1. This is a civil action brought pursuant to Section
25 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42
26 U.S.C. § 6928, to recover administrative penalties assessed by
the EPA against defendants and for the assessment of civil

1 penalties against defendants for violations of administrative
2 orders, RCRA and the regulations promulgated thereunder.

3 JURISDICTION AND VENUE

4 1. This Court has jurisdiction over the parties to and
5 the subject matter of this action pursuant to Section 3008(a)
6 of RCRA, 42 U.S.C. § 6928(a), 28 U.S.C. § 1331, 28 U.S.C. §
7 1345, and 28 U.S.C. § 1355. Venue is appropriate in this
8 District pursuant to 42 U.S.C. § 7413(b), 28 U.S.C. § 1391, and
9 28 U.S.C. § 1395, since the facility that was owned and
10 operated by the defendants is located in this District.

11 DEFENDANTS

12 2. Defendant Warren Bingham ("Bingham") was from on
13 or about December 1979 until on or about January 1986, the
14 owner of a facility located near Rathdrum, Idaho, five miles
15 east of the Washington-Idaho state line ("Rathdrum facility").
16 The Rathdrum facility was used for the storage, treatment and
17 disposal of used oil, spent solvents, and chemical substances
18 such as toluene and ethylbenzene from at least January 1, 1980
19 until on or about January 2, 1982. Some of the substances
20 stored, treated or disposed of at the Rathdrum facility are
21 hazardous wastes within the meaning of Section 3001 of RCRA, 42
22 U.S.C. § 6921, and the regulations promulgated thereunder. The
23 Rathdrum facility was leased to Arrcom, Inc. from on or about
24 January 1, 1980 until on or about January 2, 1982.

25 3. Defendant George W. Drexler ("G. Drexler") is an
26 individual who at all times relevant herein was the President

COMPLAINT

- 2 -

1 of Arrcom, Inc. and Drexler Enterprises, Inc. (collectively
2 referred to as "Arrcom"). G. Drexler was an operator of the
3 Rathdrum facility from about 1977 until on or about January 2,
4 1982, and was involved in relevant management decisions
5 concerning the facility. G. Drexler was the alter ego of
6 Arrcom. On information and belief, Arrcom is no longer in
7 existence.

8 4. Defendant Thomas Drexler ("T. Drexler") is an
9 individual who at all times relevant herein was the vice-
10 president of Arrcom. T. Drexler was an operator and the plant
11 manager of the Rathdrum facility from about 1977 until on or
12 about January 2, 1982, and was involved in relevant management
13 decisions concerning the facility. T. Drexler was the alter
14 ego of Arrcom and is the son of G. Drexler.

15 5. Defendant W. Alan Pickett ("Pickett") is an
16 individual who at times relevant herein was the secretary and
17 an employee of Arrcom. Pickett owned the Rathdrum facility at
18 various times until sometime in 1977 at which time he sold it
19 to Arrcom. Pickett was at all relevant times an operator of
20 the Rathdrum facility. Pickett was involved in relevant
21 management decisions concerning the Rathdrum facility.

22 6. Defendants are "owners" or "operators" of the
23 Rathdrum facility within the meaning of 40 C.F.R. § 260.10.

24 STATUTORY AND REGULATORY BACKGROUND

25 7. RCRA was enacted on October 21, 1976, and amended
26 by the Hazardous and Solid Waste Amendments of 1984. The

1 statute established a regulatory program for the management of
2 hazardous wastes. 42 U.S.C. §§ 6901 and 6921 et seq. EPA has
3 promulgated regulations under RCRA governing facilities that
4 manage hazardous waste. These regulations are codified at 40
5 C.F.R. Parts 260 - 271.

6 8. Section 3005 of RCRA, 42 U.S.C. § 6925, generally
7 prohibits the operation of any hazardous waste facility except
8 in accordance with a permit. Section 3005(e), 42 U.S.C. §
9 6925(e), further provides that a hazardous waste facility that
10 was in existence on November 19, 1980, may obtain "interim
11 status" to continue operating until final action is taken by
12 EPA with respect to its permit application, so long as the
13 facility satisfies certain conditions specified in that
14 Section. The owner or operator of a facility with interim
15 status must comply with 40 C.F.R. Part 265. These regulations
16 govern all phases of activity at a hazardous waste facility.

17 9. When a hazardous waste disposal facility ceases
18 operation, the facility must be properly deactivated, or
19 "closed," to eliminate any remaining environmental problems it
20 may present and to help ensure that it will not pose any future
21 environmental problems. The closure requirements for interim
22 status facilities are contained in 40 C.F.R. Part 265, Subpart
23 G (1986).

24 GENERAL ALLEGATIONS

25 10. On April 27, 1983, EPA filed an administrative
26 Complaint and Compliance Order (Docket No. X-83-04-02-3008)

COMPLAINT

- 4 -

1 against the defendants and Arrcom pursuant to Section 3008 of
2 RCRA, 42 U.S.C. § 6928, alleging that defendants violated
3 Sections 3004 and 3005 of RCRA, 42 U.S.C. §§ 6924 and 6925, and
4 various provisions of 40 C.F.R. Part 265, in relation to the
5 activities conducted at the Rathdrum facility. The Complaint
6 and Compliance Order required defendants, inter alia, to pay
7 civil penalties, develop and submit an approvable closure plan,
8 and complete closure of the Rathdrum facility. A copy of the
9 Complaint and Compliance Order is attached hereto as Exhibit 1.

10 11. The Complaint and Compliance Order was personally
11 served on defendants Pickett, T. Drexler and G. Drexler.
12 Defendant Bingham was served by certified mail. Defendants
13 filed separate answers and requested a hearing.

14 12. Prior to hearing, defendant Bingham entered into a
15 settlement with EPA to resolve the claims set forth in the
16 Complaint and Compliance Order. The Agreed Order for Payment
17 of Civil Penalties Re: Respondent Warren Bingham ("Bingham
18 Order") was entered by the EPA Regional Administrator for
19 Region 10 on June 20, 1985. A copy of the Bingham Order is
20 attached hereto as Exhibit 2. Under the terms of the Bingham
21 Order, defendant Bingham agreed to pay a civil penalty of
22 \$15,000. The civil penalty was to be suspended if Bingham
23 submitted an approvable closure plan by October 20, 1985, and
24 implemented the plan.

25 13. On April 30 and May 1, 1985, an administrative
26 hearing was held before Administrative Law Judge Thomas B. Yost

COMPLAINT

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1 relating to defendants T. Drexler, G. Drexler, Pickett and
2 Arrcom. On October 21, 1985, ALJ Yost issued an Initial
3 Decision and Order finding that violations alleged in the
4 Complaint had occurred. ALJ Yost ordered defendants T.
5 Drexler, Pickett, and G. Drexler to jointly and severally pay,
6 within sixty (60) days of the date the Initial Decision and
7 Order was served, a civil penalty of \$4,500. The Initial
8 Decision and Order was thereafter served on defendants. A copy
9 of the Initial Decision and Order is attached hereto as Exhibit
10 3.

11 14. The Initial Decision and Order became a "Final
12 Order" ("Order") within the meaning of 40 C.F.R. § 22.27, since
13 no appeal was taken in the case regarding the Rathdrum
14 facility.

15 15. Although due and payable, defendants T. Drexler,
16 G. Drexler and Pickett have not tendered payment of the \$4,500
17 civil penalty.

18 FIRST CLAIM FOR RELIEF

19 16. Plaintiff hereby realleges and incorporates herein
20 by reference paragraphs one through fifteen.

21 17. Defendants Pickett, G. Drexler and T. Drexler's
22 failure to pay the civil penalty assessed in the Order is a
23 violation of Section 3008 of RCRA, 42 U.S.C. § 6928.

24 18. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. §
25 6928(g), defendants Pickett, G. Drexler and T. Drexler are each
26

COMPLAINT

- 6 -

1 subject to a civil penalty of not more than \$25,000 for each
2 day of violation.

3 SECOND CLAIM FOR RELIEF

4 19. Plaintiff hereby realleges and incorporates herein
5 by reference paragraphs one through fifteen.

6 20. On May 2, 1986, EPA notified Bingham that he was
7 in default of the Bingham Order since no closure plan for the
8 Rathdrum facility had been submitted and the facility had not
9 been closed in accordance with RCRA and the relevant
10 regulations. EPA notified Bingham that the \$15,000 civil
11 penalty which had been suspended pending closure of the
12 facility was due and payable. . .

13 21. Bingham has not submitted a closure plan or paid
14 the civil penalty assessed in the Bingham Order.

15 22. Defendant Bingham's failure to submit a closure
16 plan or pay the agreed upon civil penalty assessed in the
17 Bingham Order is a violation of Section 3008 of RCRA, 42 U.S.C.
18 § 6928.

19 23. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. §
20 6928(g), Bingham is subject to a civil penalty of not more than
21 \$25,000 for each day of violation.
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RELIEF REQUESTED

1 WHEREFORE, Plaintiff, the United States of America,
2 respectfully requests this Court to:

3 1. Order defendants Pickett, T. Drexler and G.
4 Drexler to pay the civil penalty of \$4,500 assessed in the
5 administrative Order of the EPA plus interest;

6 2. Order defendant Bingham to pay the civil penalty
7 of \$15,000 assessed in the Bingham Order plus interest;


8 3. Order defendants Pickett, T. Drexler and G.
9 Drexler to pay a civil penalty of not more than \$25,000 for
10 each day of violation of the administrative Order of the EPA;

11 4. Order defendant Bingham to pay a civil penalty of
12 not more than \$25,000 for each day of violation of the Bingham
13 Order;

14 5. Award to the Plaintiff the costs and disbursements
15 of this action; and

16 6. Grant such other relief as the Court deems just
17 and appropriate.

18 Respectfully submitted,

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20 
21 ROGER J. MARZULLA
22 Acting Assistant Attorney General
23 Land and Natural Resources Division
24 U.S. Department of Justice
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Cynthia S. Huber (s45)
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OF COUNSEL:
D. Henry Elsen
1200 Sixth Avenue
Seattle, Washington 98101

COMPLAINT

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EXHIBITS TO COMPLAINT
(UNITED STATES v. WARREN BINGHAM, ET AL.)

MC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

IN THE MATTER OF:

Environmental Protection Agency

Complainant,

v.

Arrcom Incorporated,
Drexler Enterprises Incorporated,
George W. Drexler (Operator),
Thomas Drexler (Operator),
W. A. Pickett (Operator),
Warren Bingham (Owner),

Respondents.

RCRA Docket X-83-04-02-3008

COMPLAINT AND
COMPLIANCE ORDER

COMPLAINT

This is a civil administrative action initiated pursuant to Section 3008(a) of the Resource Conservation and Recovery Act [42 U.S.C. 6928(a)], hereinafter referred to as "the Act." The Complainant is Region 10 of the United States Environmental Protection Agency (EPA). Based on a compliance inspection conducted on July 20, 1982, by EPA and the Panhandle Health District I (Idaho), Complainant has reason to believe that the above-named Respondents have violated Section 3005 of the Act (42 U.S.C. 6925) as follows:

COMPLAINT AND COMPLIANCE ORDER--Page 1 of 12

Exhibit 1

FINDINGS OF FACT

1
2 1. Respondent operated a facility (ID 000961) for the
3 treatment, storage, and/or disposal of hazardous waste since January 1,
4 1980, located at 5 miles East of the Stateline on Highway 53, Rathdrum,
5 Idaho (mailing address: Rural Route 3, Box 258-A5, Rathdrum, Idaho
6 83858). Furthermore, Respondents are transporters of hazardous waste.
7 Hazardous waste manifests from the United Paint Manufacturing Company,
8 Washington (nine manifests from November 19, 1980 to December 3, 1981)
9 and the Anaconda Aluminum Company, Montana (one manifest dated February
10 26, 1981) document these activities.

11 2. Respondents submitted a Notification of Hazardous Waste Activity
12 (EPA Form 8700-12) which was received by EPA on August 20, 1980. This
13 notification satisfied 300(a) of the Act and 40 CFR 122.21(c)
14 [recodified on April 1, 1983 as 40 CFR 270.1(b)]. This notification
15 indicated that Respondents were generators and also treaters, storers,
16 and/or disposers of hazardous waste.

17 3. 40 CFR Part 262 establishes standards for all hazardous waste
18 generators. Respondents are generators of hazardous waste as evidenced
19 by the Notification of Hazardous Waste Activity.

20 4. Respondents submitted a Part A permit application (EPA Form
21 3510-1) which was received by EPA on November 19, 1980, as required by 40
22 CFR 122.22 [recodified on April 1, 1983 as 40 CFR 271.10]. This
23 application stated that the Respondents were storers and treaters of
24 hazardous waste.

25 5. 40 CFR Part 265 establishes standards for all hazardous waste
26 treatment, storage, and disposal facilities. These standards apply until
27 final administrative disposition of permit applications submitted by

owners and operators of facilities has been made. A such disposition has been made with respect to Respondents' facility. Thus, the standards of 40 CFR Part 265 apply thereto.

6. Respondents submitted a Part A permit application without having a proper signatory for the permit as required by 40 CFR 122.4(b) [recodified on April 1, 1983 as 40 CFR 270.10(b)]. W. A. Pickett, an employee for Respondent George W. Drexler (operator), signed the Owner Certification of the application. Respondent Warren Bingham (owner) stated to EPA on July 9, 1982, that he had not authorized W. A. Pickett to sign the Part A permit application as the owner of the facility.

7. Complainant, in a letter dated February 9, 1982, requested that Respondent submit a corrected Part A permit application or submit a closure plan. Respondents have subsequently stopped operation but have neither resubmitted the Part A permit application nor submitted a closure plan. As evidenced in paragraph 8, below, hazardous waste remains onsite; therefore, the facility has not been properly closed as required by 40 CFR 265.111.

8. Respondents spilled and/or disposed hazardous waste or hazardous waste constituents into the soil surrounding the Shaker Building of the facility. Such release of hazardous waste or hazardous waste constituents into the environment constitutes disposal. The facility has not qualified for "interim status" for disposal and therefore is in violation of Section 3005 of the Act. Samples of contaminated soil and of spilled material taken during an inspection conducted by EPA employees on July 20, 1982, and subsequently analyzed revealed the following hazardous wastes constituents: 1,1,1-trichloroethane; ethylbenzene; methylene chloride; and toluene. Spent ethylbenzene and toluene were

COMPLAINT AND COMPLIANCE ORDER--Page 3 of 12

1 reported in the Respondents' Part 70 permit application (EPA Hazardous
2 Waste codes F003 and F005, respectively).

3 9. Respondents further failed to comply with the regulatory
4 requirements applicable to a hazardous waste management facility in that
5 they failed:

6 (a) to prevent the unknowing entry and to minimize the possibility
7 for the unauthorized entry of persons or livestock as required
8 by 40 CFR 265.14. Fencing at the site did not completely
9 surround the active portion of the facility,

10 (b) to maintain and operate the facility to minimize the possibility
11 of any release of hazardous waste as required by 40 CFR 265.31,

12 (c) to have an external communication device capable of summoning
13 emergency assistance and to maintain fire control equipment as
14 required by 40 CFR 265.32, and

15 (d) to submit financial assurance and liability documents as
16 required by 40 CFR 265, Subpart H.

17 10. Complainant's review of Respondents' records revealed that the
18 Respondents failed:

19 (a) to develop a written waste analysis plan as required by 40 CFR
20 265.13(b),

21 (b) to develop a written inspection schedule for inspections as
22 required by 40 CFR 265.15(b)(1),

23 (c) to develop a written training schedule and maintain records as
24 required by 40 CFR 265.16,

25 (d) to attempt to make contingency arrangements with local
26 authorities as required by 40 CFR 265.37,

(e) to develop a contingency plan and emergency procedures as required by 40 CFR 265.51(a),

(f) to maintain manifests and operating records required by 40 CFR 265.71 and 40 CFR 265.73, respectively, and

(g) to develop a closure plan as required by 40 CFR 265, Subpart G.

PROPOSED CIVIL PENALTY

In view of the above-cited violations, Complainant proposes to assess a penalty of SEVENTY-FIVE THOUSAND NINE HUNDRED AND TWENTY-FIVE DOLLARS (\$75,925), computed in accordance with EPA Guidelines for penalties assessed under the Act, as follows:

<u>Violation</u>	<u>Proposed Penalty</u>
*40 CFR 122.4(b)	\$ 22,500
RCRA Section 3005	\$ 22,500
40 CFR 265.13(b)	\$ 4,500
40 CFR 265.14	\$ 2,550
40 CFR 265.15(b)(1)	\$ 1,975
40 CFR 265.16	\$ 800
40 CFR 265.31	\$ 2,500
40 CFR 265.32	\$ 9,900
40 CFR 265.37	\$ 800
40 CFR 265.51(a)	\$ 1,975
40 CFR 265.71(a)(5)	\$ 1,975
40 CFR 265.73	\$ 1,975
40 CFR 265.112	<u>\$ 1,975</u>
Total	\$ 75,925

*Recodified on April 1, 1983 as 40 CFR 270.10(b)

() COMPLIANCE ORDER

Based on the foregoing and pursuant to Section 3005 of the Act, it is hereby ordered that the Respondents take the following actions within the time periods specified:

1. Respondents shall immediately upon receipt of this Order, develop a written plan to cleanup the hazardous waste and hazardous waste constituents that have spilled or were otherwise released onto the ground or into ground-water, and/or that have migrated into the ground or into ground-water. This plan shall address the cleanup and disposition of all contaminated soil, water and ground-water such that all remaining soil, water, and ground-water are at background level. This plan shall also address the sampling and analysis necessary to confirm adequate cleanup. This plan shall be submitted to Mr. George Hofer at the U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101-3188 within 20 days of receipt of this Order. This plan, after modification and approval by EPA, shall be implemented within five (5) days of EPA's approval and completed as expeditiously as possible but in no event later than thirty (30) days after EPA approval.

2. Respondents shall within one hundred and eighty (180) days of receipt of this Order submit a Part B permit application in accordance with 40 CFR 122.22(a)(4) [recodified on April 1, 1983 as 270.10(e)(4)]. This Part B permit application shall address the relevant requirements listed in 40 CFR 122.25 [recodified on April 1, 1983 as 40 CFR 270.14 thru 270.21]. This order constitutes a formal request for a Part B permit application pursuant to 40 CFR 122.22(a)(4) [recodified on April 1, 1983 as 270.10(e)(4)]. This Part B permit application shall be submitted to Mr. George Hofer at the address listed in paragraph 1.

1 Failure to submit a complete application may result in further
2 enforcement action and will result in the initiation of permit denial,
3 which will terminate interim status for this facility in accordance to 40
4 CFR 122.22(a)(5) [recodified on April 1, 1983 as 40 CFR 270.10(e)(5)].

5 3. Respondents shall comply with either paragraphs 4 and 5 or
6 paragraphs 6 thru 8 (inclusive). Respondents shall, within fifteen (15)
7 days of receipt of this Order, state in a letter to Mr. George Hofer at
8 the above address which option has been chosen.

9 4. If Respondents elect to permanently cease operation as a hazardous
10 waste facility, Respondents shall submit a written statement to Mr.
11 George Hofer at the above address which contains the following within
12 fifteen (15) days of receipt of this Order:

13 (a) Request for EPA to deny Respondents' Part B permit application.

14 (b) Waiver of the one hundred and eighty (180) day Part B
15 preparation period allowed for in 40 CFR 122.22 [recodified on
16 April 1, 1983 as 40 CFR 270.10].

17 (c) Declaration that Respondents will cease operation immediately
18 and will close the facility within one hundred and eighty (180)
19 days.

20 5. Respondents shall submit an appropriate closure plan in
21 accordance with 40 CFR 265, Subpart G within thirty (30) days of receipt
22 of this Order. Closure of this facility shall commence upon submission
23 and Complainant's approval of the plan and shall be accomplished as
24 expeditiously as possible but in no event later than one hundred and
25 eighty (180) days from the receipt of this Order. The Closure Plan shall
26 be submitted to Mr. George Hofer at the above address.

6. Respondents shall immediately upon receipt of this Order initiate the following activities:

- (a) Inspect the facility for discharge of hazardous waste and for deterioration of containers, tanks, and equipment as required by 40 CFR 265.15(a) and (c), 40 CFR 265.174, and 40 CFR 265.194.
- (b) Maintain personnel training records as required by 40 CFR 265.16.
- (c) Maintain manifest copies as required by 40 CFR 265.71.
- (d) Maintain operating records as required by 40 CFR 265.73.

7. Respondents shall immediately on the receipt of this Order institute the following activities and complete these activities as expeditiously as practicable but in no event later than thirty (30) days after the receipt of this Order:

- (a) Remedy any deterioration of tanks and equipment revealed through inspection pursuant to 40 CFR 265.15(c).
- (b) Install required communication and emergency equipment as required by 40 CFR 265.32.
- (c) Make contingency arrangements with local authorities as required by 40 CFR 265.37.
- (d) Install needed security system as required by 40 CFR 265.14.

8. Respondents shall submit to George Hofer at the above address, within thirty (30) days of the receipt of this Order, the following:

- (a) A Part A application containing the proper signatures as required by 40 CFR 122.4(b) [recodified on April 1, 1983 as 40 CFR 270.10(b)].
- (b) Inspection Plan to satisfy 40 CFR 265.15(b)(1).

- (c) Training Plan to satisfy 40 CFR 265.11.
- (d) Contingency Plan to satisfy 40 CFR 265, Subpart D.
- (e) Closure Plan to satisfy 40 CFR 265, Subpart G.
- (f) Financial assurance and liability documents to satisfy 40 CFR 265, Subpart H.

OPPORTUNITY TO REQUEST A HEARING

A copy of the "Consolidated Rules of Practice" governing these penalty proceedings is attached. Under those rules Respondents have the right to request a hearing:

- (a) to contest any material fact set forth in the Complaint, or
- (b) to contest the appropriateness of the proposed penalty, or
- (c) to contend that Respondents are entitled to judgment as a matter of law.

To avoid being found in default, having the proposed civil penalty assessed, and the Compliance Order becoming final without further proceedings, Respondents must file a written response to the Complainant. Respondents' written response may include a request for a hearing, if desired. The response (if any) must be addressed to the Region 10 Hearing Clerk, Office of Regional Counsel, U.S. Environmental Protection Agency, M/S 613, 1200 Sixth Avenue, Seattle, Washington 98101-3188 and sent within thirty (30) days of Respondents' receipt of this Complaint and Compliance Order. Respondents' response should clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint about which Respondents have any knowledge. The response should contain: (1) a definite statement of the

(

1 facts which constitute the grounds of defense, and (2) a concise
2 statement of the facts Respondents intend to place at issue in the
3 hearing if requested.

4 If Respondents fail to file a written answer within thirty (30) days
5 of receipt of this Complaint and Compliance Order, such failure
6 constitutes an admission of all the facts alleged in the Complaint and a
7 waiver of Respondents' right to a hearing. A final order upon default
8 will thereafter be issued by the Regional Administrator and filed with
9 the Region 10 Hearing Clerk.

10 Any hearing requested by Respondents will likely be held at the
11 Region 10 office of EPA in Seattle. Hearings held will be conducted in
12 accordance with the attached Consolidated Rules of Practice (40 CFR Part
13 22 (45 FR 24363)).

14
15 INFORMAL SETTLEMENT CONFERENCE

16 Whether or not Respondents requests a hearing, EPA encourages
17 settlement of this proceeding consistent with the provisions of the Act.
18 At an informal conference with representatives of the Complainant,
19 Respondents may comment on the charges and provide whatever additional
20 information Respondents believe is relevant to the disposition of this
21 matter, including any actions Respondents have taken to correct the
22 violations and any other special circumstances Respondents care to raise.

23 Respondents' request for an informal conference and other questions
24 that Respondents may have regarding this Complaint should be directed, in
25
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1 written, to Mr. Kenneth D. Feigner, U.S. Environmental Protection Agency,
2 Region 10, M/S 533, 1200 Sixth Avenue, Seattle, Washington 98101-3188, or
3 by telephone to Mr. Feigner at (206) 442-2782.

4 Please note that a request for an informal settlement conference does
5 not extend the thirty (30) day period during which a written answer and
6 request for hearing must be submitted. The informal settlement
7 conference procedure may be pursued simultaneously with the adjudicatory
8 hearing procedure. Any settlement which may be reached as a result of
9 such conference will be embodied in a written Agreed Final Compliance
10 Order to be issued by the Regional Administrator of EPA, Region 10, and
11 signed by Respondents. Respondents' signing of such Agreed Final
12 Compliance Order would constitute a waiver of Respondents' right to
13 request a hearing on any matter stipulated therein.

14 15 NOTICE OF LIABILITY FOR ADDITIONAL CIVIL PENALTIES

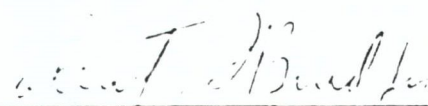
16 Pursuant to the terms of Section 3008(a)(3) of the Act, a violator
17 failing to take corrective action within the time specified in a Final
18 Compliance Order is liable for a civil penalty of up to TWENTY-FIVE
19 THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance.

20 21 RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

22 Instead of filing an answer requesting a hearing or requesting an
23 informal settlement conference, Respondents may choose to comply with the
24 terms of the Compliance Order, and to pay the proposed penalty. In that
25 case, payment should be made by sending to the Regional Hearing Clerk,
26 U.S. Environmental Protection Agency, Region 10, M/S 533, 1200 Sixth
27 Avenue, Seattle, Washington, 98101-3188, a cashier's check or certified
28 COMPLAINT AND COMPLIANCE ORDER--Page 11 of 12

1 check payable to "Treasurer, United States of America" in the amount
2 specified in the "Proposed Civil Penalty" section of this Complaint and
3 Compliance Order.

4
5 DATED this APR 27 1983 day of _____ 1983.

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8 L. Edwin Coate
9 Acting Regional Administrator
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8 BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
9 EPA REGION 10, 1200 SIXTH AVENUE
10 SEATTLE, WASHINGTON 98101

11 In The Matter of:)

12 Arrcom, Incorporated,)
13 Drexler Enterprises, Inc.,)
14 et. alia,)

15 Respondents.)
16

PERMIT NO. ID 0008000961

NO. X83-04-01-3008 &
83-04-02-3008

17 AGREED ORDER FOR PAYMENT OF
18 CIVIL PENALTIES
19 RE RESPONDENT WARREN BINGHAM

20 1. This proceeding for the assessment of civil
21 penalties was commenced by the filing and issuance of a Complaint
22 herein, X83-04-02-3008, against Respondent Warren Bingham and
23 others pursuant to Section 3008 of the Resource Conservation and
24 Recovery Act of 1976, as amended, 42 U.S.C. § 6928.

25 2. The signatories hereto, parties herein, settle
26 and resolve the claims set forth in the Complaint by the entry of
27 this Order, and the said parties stipulate and agree (by their
28 signatures below) this Order may be entered without further notice
or proceedings herein.

FINDINGS OF FACT

1. A facility consisting of several storage tanks, oil reprocessing equipment, and two buildings exists on a site located near Rathdrum, Idaho, five (5) miles east of the Washington-Idaho stateline on Idaho state Highway 53 (fully described in Attachment 3) (hereinafter "the Rathdrum facility").

2. The Rathdrum facility was operated from at least January 1, 1980 for the storage, treatment and disposal of used oil, spent solvents, and chemical substances such as toluene and ethylbenzene.

3. The Rathdrum facility was operated by respondents Arrcom, Incorporated and Drexler Enterprises, Incorporated, and George W. Drexler, William Pickett, and Thomas Drexler, between at least January 1, 1980, and January 1, 1982. On or around January 3, 1982, the Rathdrum ceased operation as an active, processing facility.

4. Respondent Warren Bingham purchased the Rathdrum facility on January 1, 1980, thereafter owned and possessed the facility, and thereafter leased the facility to respondent Arrcom, Inc. Respondent Bingham did not operate in any way the active facility between January 1, 1980 and January 1, 1982. Arrcom's lease for the facility was terminated on or around January 3, 1982.

5. A Part A RCRA permit application for interim status was submitted for the Rathdrum facility on November 19, 1980, and this application listed the owner of the Rathdrum facility as Arrcom, Inc.

1
2 6. Interim status for the treatment and storage of
3 hazardous wastes with ignitable characteristics at the Rathdrum
4 facility was recognized by the Environmental Protection Agency
5 (EPA) on August 11, 1981. No interim status was recognized for the
6 handling of any other hazardous wastes, or for the disposal of
7 ignitable characteristic hazardous waste.

8 7. During the operation of the Rathdrum facility, used
9 oil with ignitable characteristics and other chemical substances
10 such as toluene and ethylbenzene were released into the environment
11 at the facility through the dumping and/or spilling of used oil,
12 spent solvents, and other chemical substances such as ethylbenzene
13 onto the ground.

14 8. During the operation of the Rathdrum facility, no
15 security fence was placed around the facility, nor were any other
16 devices implemented to prevent the unknowing entry of persons or
17 livestock on the facility.

18 9. During the operation of the Rathdrum facility, no
19 efforts were made to minimize the possibility of any release of
20 hazardous wastes.

21 10. During the operation of the Rathdrum facility, no
22 external communication device capable of summoning emergency assist-
23 ance was kept at the facility.

24 11. During the operation of the Rathdrum facility, no
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1 written waste analysis plan was developed or utilized at the facility

2 12. During the operation of the Rathdrum facility, no
3 written inspection schedule for equipment and storage units, or
4 hazardous wastes was developed or maintained at the facility.
5

6 13. During the operation of the Rathdrum facility, no
7 attempts to make contingency arrangements with local authorities
8 were made.

9 14. During the operation of the Rathdrum facility, no
10 manifest records or operating records were maintained at the facility
11

12 15. During the operation of the Rathdrum facility, no
13 closure plan was developed or submitted for the facility.

14 16. After January 1, 1982, no closure plan was submitted
15 to EPA, or implemented for the Rathdrum facility, nor was the
16 facility actively operated pursuant to applicable RCRA regulations.
17

18 17. In September, 1983, EPA undertook a cleanup effort
19 at the site, which removed most used oil, spent solvents, and other
20 chemical substances from the Rathdrum facility.

21 18. At all times relevant herein, Respondent Bingham has
22 cooperated with EPA in granting access to the Rathdrum site.
23

24 CONCLUSIONS OF LAW
25

26 1. From at least January 1, 1980 to September 1984,
27 the Rathdrum facility was an existing hazardous waste management
28 AGREED PENALTY ORDER - Page 4 of 10

1
2 facility for the storage, treatment and disposal of hazardous
3 waste, pursuant to 40 CFR § 260.10.

4 2. The Part A permit application submitted for the
5 Rathdrum facility was submitted without a proper signatory for the
6 owner, in violation of 40 CFR § 270.10(b), formerly 40 CFR § 122.4(b)

7 3. The Rathdrum facility was used for the disposal of
8 hazardous wastes without a valid permit between January 1, 1980 and
9 September 1983, in violation of 40 CFR 270.1(b) and section 3005
10 of RCRA, 42 U.S.C. § 6925.

11
12 4. No efforts were made at the Rathdrum facility to
13 minimize the possibility of unauthorized entry during the operation
14 of the facility, in violation of 40 CFR § 265.14.

15 5. Inadequate efforts to minimize the possibility of
16 any release of hazardous waste at the facility were made at the
17 Rathdrum facility, in violation of 40 CFR § 265.31.

18
19 6. No external communication device capable of summoning
20 emergency assistance was provided at the facility, in violation of
21 40 CFR § 265.32.

22 - 7. No written waste analysis plan was developed or
23 utilized at the facility or elsewhere, in violation of 40 CFR
24 § 265.13(b).

25
26 8. No written inspection schedule was maintained at the
27

facility or elsewhere, in violation of 40 CFR § 265.13(b)(1).

9. No written training schedule or records of training were developed or maintained at or for the Rathdrum facility or elsewhere, in violation of 40 CFR § 265.16.

10. No attempts were made to make emergency contingency arrangements with local authorities near the Rathdrum facility, in violation of 40 CFR § 265.37.

11. No efforts were made to develop a contingency plan for the Rathdrum facility, in violation of 40 CFR § 265.51(a).

12. No manifest records were retained or kept at the Rathdrum facility, in violation of 40 CFR § 265.71.

13. No operating records were maintained or kept at the Rathdrum facility, in violation of 40 CFR § 265.71.

14. No closure plan was developed, submitted or kept at the Rathdrum facility, in violation of 40 CFR § 265.112.

ORDER

Accordingly, it is hereby ORDERED AND ADJUDGED as follows:

1. The Respondent Warren Bingham shall pay to EPA the following amounts as civil penalties which are hereby assessed and imposed against the said Respondent:

A. Fifteen thousand dollars (\$15,000.00).

1 2. The total of the foregoing imposed penalties is
2 \$15,000.00, which said amount shall bear no interest from the
3 date hereof.

4 3. The payment of these imposed penalties is hereby
5 suspended and deferred to July 30, 1986, at which time they shall
6 be due and payable together with all interest accrued thereon
7 without further proceedings, or notice, or Order herein EXCEPT as
8 otherwise provided in paragraph 4.

9 4. The suspended and deferred payment portion of the
10 penalties imposed above shall be wholly excused automatically
11 on the said date together with all interest accrued
12 thereon without further proceedings herein if the affirmative
13 conditions or events specified in Attachment 1 do occur on time,
14 and if none of the negative conditions or events specified in
15 Attachment 2 occurs prior to the date specified in paragraph 3.

16 5. The suspended and deferred payment portion of the
17 penalties imposed above together with all interest accrued thereon
18 shall become immediately due and payable at an earlier date, namely,
19 upon the non-occurrence of any of the required conditions or events
20 specified in Attachment 1, or upon the occurrence of any one of the
21 negative conditions or events specified in the Attachment 2.
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1 6. The Respondent shall cause to be filed herein
2 affidavits which verify (on the basis of first hand knowledge of an
3 appropriate individual) the extent to which (if at all) the conditions
4 specified hereinabove have or have not been met or fulfilled as of
5 the date of such affidavit, as follows:

6 A. Whenever a negative condition listed in Attachment
7 2 occurs, an affidavit to that effect shall be promptly filed.

8 B. At least two business days prior to July 30,
9 1986, affidavit(s) shall be filed addressing each condition specified
10 in Attachments 1 and 2 (with the result that the payment of the
11 penalties remains deferred, or else the penalties become
12 payable, together with interest thereon as provided hereinabove).

13 7. By deferring payment of penalties adjudged herein,
14 the burden of proving that payment of those penalties remains
15 deferred and suspended is hereby placed upon Respondent Warren
16 Bingham.

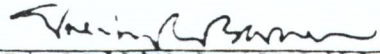
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18 8. EPA shall file herein a total satisfaction of this
19 Order if, as, and when any such total satisfaction occurs.

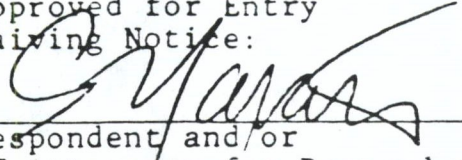
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21 9. By stipulation signed by them and filed herein,
22 the parties hereto may change and extend any time period set forth
23 in Attachment 1, or the end date of the Order as stated in paragraph
24 3, above. Upon the filing of such a stipulation herein, the
25 said changes are thereupon incorporated into this Order automatically,
26 as part thereof.
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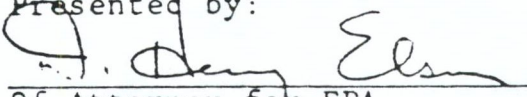
1 10. This Order, and any actions taken to satisfy this
2 Order, or any conditions therein (whether such action is the payment
3 of penalties or the completion or implementation of the closure
4 plan) shall not operate to relieve Respondent Bingham from any
5 further liability under the Resource Conservation and Recovery Act
6 of 1976, or the Comprehensive Environmental Response, Compensation
7 and Liability Act of 1980. If the deferred penalties described in
8 paragraph 2 above become due and owing, and are paid by Respondent
9 Bingham, Respondent Bingham may additionally be subject to imposi-
10 tion of a civil penalty upon notice and hearing of not more than
11 \$25,000 for each day any closure plan is not submitted, or any
12 approved plan is not implemented, pursuant to 42 U.S.C. § 6928(c).
13 Further liability may also include an additional administrative
14 order for failure to submit a closure plan after termination of
15 interim status at the Rathdrum facility, pursuant to 40 CFR §
16 265.112(c)(1), proposing civil penalties and ordering the submission
17 and implementation of a closure plan.
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11. All written submissions under this Order shall be
addressed to:
Kenneth Feigner, Waste Management Branch Chief
EPA Region 10, M/S 533
1200 Sixth Avenue
Seattle, Washington 98101

IT IS SO ORDERED this 20th day of June, 1985.


EPA REGIONAL ADMINISTRATOR

Stipulated, Agreed, and
Approved for Entry
Waiving Notice:

Respondent and/or
Of Attorneys for Respondent

Presented by:
 4/13/85
Of Attorney for EPA

ATTACHMENT 1

Affirmative Conditions

1. Not later than 60 calendar days after the date of this Order (but excluding the date hereof), Respondent Warren Bingham will submit either:

a. a written closure plan to EPA Region 10 for the Rathdrum hazardous waste management facility pursuant to all applicable parts of 40 CFR Part 265.110 - 265.120, Subpart G (1984);

or

b. written evidence to EPA Region 10 that Respondent has used his best efforts to fulfill 1.a. above.

2. If Respondent Bingham does not submit a written closure plan under part 1.a. above, but does submit written evidence under part 1.b. above; Respondent Bingham shall, not later than 120 calendar days after the date of this Order (but excluding the date hereof), submit a written closure plan to EPA Region 10 for the Rathdrum hazardous waste management facility pursuant to all applicable parts of 40 CFR § 265.110 - 265.120, Subpart G (1984).

3. Respondent Bingham will comply fully with all provisions of 40 CFR § 265.112(d) regarding any EPA approval, modification, or disapproval of any closure plan Respondent Bingham submits.

4. Immediately upon approval or modification of the

closure plan by EPA Region 10, Respondent Bingham will complete implementation of the approved or modified written closure plan not later than 180 calendar days after the date of approval or modification (but excluding the date of approval or modification).

5. Respondent Bingham will submit to EPA Region 10 a certification of closure which complies with 40 CFR § 265.115, after implementation of the closure plan is complete for the Rathdrum hazardous waste management facility.

ATTACHMENT 2

Negative Conditions

1. The sale or transfer of any part of the Rathdrum facility without Respondent Bingham procuring the written promise of the prospective or immediate transferee (enforceable by EPA) to perform all decretal terms and provisions of this Order shall not occur any time before implementation of the closure plan described in Attachment 1 is complete.

ATTACHMENT 3

Description of the Facility

That portion of the Tracts 17 and 24, Plat No. 2, GREENACRES IRRIGATION DISTRICT, Kootenai County, Idaho, according to the plat thereof recorded in Book B of Plats at Page 51, records of Kootenai County, Idaho, described as follows:

COMMENCING at the Northeast corner of said Tract 24; thence, North $89^{\circ}32'45''$ West along the North line of said Tract 24, 208.0 feet to the Southwest corner of land described in the deed to Sam Green and wife recorded October 26, 1961 in Book 187 of Deeds at Page 216; being the TRUE POINT OF BEGINNING; thence, South $10^{\circ}26'45''$ East 241.15 feet to a point on the Northwestern line of State Highway 53; thence, South $49^{\circ}20'$ West along said Northwestern line 209.0 feet to an intersection with the Easterly line of land described in the deed to Theodore Day and wife recorded June 2, 1978 in Book 291 of Deeds at Page 449; thence, North $4^{\circ}24'$ West along said Easterly line, 408.0 feet to the most Southerly Southwest corner of land described in the deed to Theodore Day and wife recorded April 21, 1978 in Book 290 of Deeds at Page 484; thence, South $89^{\circ}32'45''$ East along the South line of said Day land, 147.1 feet to a point on the West line of land described in said deed to Sam Green and wife above mentioned; thence, South $0^{\circ}24'$ West along said West line, 31.5 feet to the TRUE POINT OF BEGINNING.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN RE

ARROOM, INC.,
DREXLER ENTERPRISES, INC., et. al.
Respondents

)
) Docket ## X-65-04-01 & 02-3008
)
)
)
)

1. Resource Conservation and Recovery Act - A facility eligible for interim status and which manages hazardous wastes, must operate said facility in accordance with the provisions of 40 C.F.R. Part 265 whether or not it has notified under § 3013 of the Act or filed a Part A application.
2. Resource Conservation and Recovery Act - Lessors of land upon which a RCRA governed facility is located, who have no association with management, operator or other interest in such facility held not liable for civil penalties.
3. Resource Conservation and Recovery Act - Penalty Assessment - Although the old draft penalty policy severely limited any downward adjustment of the proposed penalty based on "ability to pay" substantial reduction in proposed penalty made here using philosophy of later final penalty policy, even though such final policy was technically not applicable.
4. Resource Conversation and Recovery Act - Interim Status - A facility which was initially granted interim status may lose such status, if the Agency, upon re-examination of the Part A application, determines that such application is deficient and the facility fails to correct such deficiencies in the time allowed therefore.

Appearances:

D. Henry Elsen, Esquire
U.S. Environmental Protection Agency
Seattle, Washington
For the Complainant

A. N. Foss
Accountant for Arroom, Inc.,
and George Drexler, Respondents

INITIAL DECISION

This is a consolidated proceeding under Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation Recovery Act (42 U.S.C. 6928).¹ These proceedings were commenced by the Acting Regional Administrator, Region X, with the filing of a Complaint and Compliance Order and Notice of Right to Request a Hearing on April 27, 1983 as to the Rathdrum facility and May 10, 1983 as to the Tacoma facility. The Complaint and Compliance Order as to the Rathdrum, Idaho facility alleged, inter alia, that the facility disposed of hazardous wastes without submitting proper notification or a Part A permit application, submitting a Part A application for a storage facility without obtaining the owner's signature, and violating several facility standards applicable to hazardous waste management facilities eligible for interim status. As to the Tacoma, Washington site, the Complaint and Compliance Order alleged that the various corporate and personal entities involved were operating a hazardous waste management facility without a permit. The Complaint and Compliance Order in regard to the Tacoma site also charges the land owners, Mr. Cragle and Mr. Inman, with violations of the Act in addition to the Drexlers and the various companies and corporations which they have, over the years, formed and operated.

¹Pertinent provisions of Section 3008 are:

Section 3008 (a)(1): "(W)henever on the basis of any information the Administrator determines that any person is in violation of any requirement of this subtitle (C) the Administrator may issue an order requiring compliance immediately or within a specified time...."

Section 3008 (g): "Any person who violates any requirement of this subtitle (C) shall be liable to the United States for a civil penalty in an amount not to exceed \$25,000 for each such violation. Each day of such violation shall, for purposes of this subsection, constitute a separate violation."

Subtitle C of RCRA is codified in Subchapter III, 42 U.S.C. 6821-6931.

The Respondents filed letters and formal pleadings to the Complaint, some without the benefit of counsel and some by counsel, all of which essentially admitted the facts but denied any culpability. Mr. Warren Bingham, the owner of the Rathdrum, Idaho property was represented by counsel and prior to the hearing in this matter entered into a separate settlement agreement with the Agency and agreed to implement an approved closure plan for the facility and was not a party to the Hearing and is not a party to this Decision. At the time of the filing of the two Complaints, two of the Drexlers were incarcerated in a prison in California for activities associated with the various businesses they operated. The nature of said offenses are not relevant to this proceeding.

A Hearing on this matter was held in Seattle, Washington on April 30, and May 1, 1985 at which Mr. George Drexler appeared with his representative, Mr. Foss, who is an accountant, and the other parties did so without counsel. Following the hearing and the availability of the transcript, ^{no one} briefs were filed by all attending parties. The brief filed on behalf of the Respondents were, unfortunately, not particularly helpful since they were prepared by non-attorneys and did not conform to the requirements of the regulations. To the extent the briefs filed on behalf of the Respondents provided arguments and legal viewpoints relevant to this proceeding, they were considered. To the extent they provided arguments which were not supported by the evidence of record, they were disregarded.

In preparing this Initial Decision, I have carefully considered all of the materials appearing of record and the relevant portions of the briefs submitted by the parties and any findings proposed by the parties which are inconsistent with this Decision are rejected.

One may wonder at the length of time that has ensued between the issuance of the Complaints and the holding of the Hearing. As indicated above, two of the Respondents were serving time in Federal prison when the Complaints were issued and all of their records from their various corporations were seized by the Government. The Agency made several motions to postpone these proceedings so it could try to obtain the Respondents' records from the Government and additionally take the depositions of several of the Respondents who were either incarcerated or otherwise not available. My understanding is that the Agency was, for the most part, unsuccessful in retrieving many of the records seized by the Government and this apparently is true as well for the Respondents who at the time of the Hearing indicated that, although they had turned over several truck loads of materials to the Government, following their release from prison they were only returned two or three boxes of records. The lack of records for the benefit of both the EPA and the Respondents caused some delay in this matter. The efforts on the part of EPA to obtain additional information from the Justice Department also contributed to the delay.

Factual Background

The Tacoma Site - X-83-04-01-3008

Respondents, Arrocom, Inc., and Drexler Enterprises, Inc., are corporations which were responsible for the beginning of the operation of a business involving storage of used oil and solvents located at the C Street facility in Tacoma, Washington. The President of both of these corporations is Respondent, George W. Drexler. The Respondent, Terry Drexler, Inc., was a corporation doing business as Golder Penn Oil Company

an Western Pacific Vacuum Service. Respondent, Terry Drexler, was the president of all of these corporations and organizations. Terry Drexler either acting as an individual or officer of one of his several corporations orally subleased the C Street facility from his father, George Drexler, the president of Arroom, Inc. The Respondents, Richard Cragle and Ronald Inman, are the owners of the C Street facility and the lessors thereof.

In August of 1981, the property owners, Cragle and Inman, leased a portion of a warehouse facility to Empire Refining Company, another corporation owned by George W. Drexler. The facility leased consists of a cemented or asphalted yard under which are three (3) underground storage tanks. An unused loading rack and a small shed are also located on the premises. The facility address is 1930 C Street, Tacoma, Washington, and is located in an industrial area within the city limits of Tacoma, surrounded by other industrial facilities. All of the various corporations formed by George Drexler referred to above will be hereinafter referred to as Arroom throughout this Decision for purposes of simplicity.

Arroom began using the Tacoma facility in August 1981 for the storage of used oil and other materials. On December 3, 1981, George Drexler advised an EPA official that the facility was used for the storage of waste oil and solvents. Alan Pickett, an employee of Arroom and Acting Secretary of Arroom, confirmed this in a conversation held on the same day by telephone with the same EPA official. After written requests by EPA on January 6, 1982, Arroom submitted a Notification of Hazardous Waste Activity which listed characteristic ignitable wastes in the form of used oil and various solvents as hazardous wastes which was handled at that facility. The Notification indicated that the hazardous waste was stored, treated or disposed of at the C Street facility. A Part A permit

Application was submitted by Arroom which indicated that 30,000 gallons of spent solvents and 500,000 of used oil were estimated to be stored at the site on an annual basis in the underground storage tanks. This application stated that the start-up date for the facility was August 1, 1961 and that both the Notification and the Part A application listed George Drexler as the facility contact for the C Street operation.

The Part A application was rejected by EPA as incomplete. Numerous deadlines were set for re-submittal of the forms and providing proper and complete information. The Agency also advised Arroom that if they were not able to provide the necessary information that they would be given the option of submitting and implementing a closure plan for the facility pursuant to 40 C.F.R. Part 265. Apparently there was some confusion within EPA as to whether or not this was a facility that would qualify for interim status which apparently it was not since it did not come into operation until August 1, 1981, well past the November 1980 statutory deadline. Subsequent to this exchange of applications and letters to and from the Agency and the Respondent, Arroom, Arroom sub-leased the facility to Terry Drexler and Terry Drexler, Inc., which continued to utilize the storage activities involving used oil and spent solvents. None of the individuals or entities which have operated the facility have completed the necessary application forms for either a Part A or Part B permit nor have they submitted a closure plan.

EPA, in conjunction with State officials, conducted an inspection at the facility on June 9, 1982. Terry Drexler, who apparently was sub-leasing the facility from his father, accompanied the inspectors during this visit. A sample of the oil from one of the underground tanks was taken by EPA Inspector, William Abercrombie. Subsequent to that inspec-

tion and the analysis of the samples taken, the Agency advised Terry Drexler on July 27, 1982 that all requirements under 40 C.F.R. 261.6(b) would be applicable if the waste were determined, in fact, to be hazardous.

Analysis of the samples taken was performed by Washington State Department of Ecology Laboratories and by EPA laboratories. The State analysis revealed that the waste oil flash point was below 140° F, making it a hazardous waste. Analysis at the EPA laboratory revealed the presence of several hazardous wastes including toluene, a listed hazardous waste at 1700 ppm, as well as trace amounts of ethyl benzene and methylene chloride. The sample analysis also revealed the presence of naphthalene and other solvents in the oil stored in the tank.

Since the facility did not qualify for interim status and had not made the proper submissions to enable it to be permitted completely under the Act, the operation of the facility by Arcom and Terry Drexler constitutes the operation of a facility without a permit, in violation of the statute and the regulations promulgated pursuant thereto. *

The numerous corporations created by George Drexler and his son, Terry, are, for all practical and legal purposes, inseparable from the individuals which created them and control and own all of the stock in said corporations.² The corporations appear to own no assets either in the form of equipment or real estate, and therefore, any finding of liability against the corporations will amount to a finding against George and Terry Drexler as the alter-egos of these corporations. Why the Drexlers went to the time and expense of forming these multitudinous corporations is unknown to the writer, but their creation appeared to have

²In some cases, stock not owned by Respondents is owned by a wife or other family member.

no illegal nor nefarious means associated therewith. The Drexlers apparently operated all of their facilities on an individual basis without regard to corporate involvement and, for the most part, apparently ignored any distinction among their various corporations for the purposes of transacting the business which is the subject of this Decision.

In regard to the Tacoma facility the Agency is arguing that the land owners, Cragle and Inman, are jointly and severally liable for any fines that would be assessed and are liable under the Act for the activities which are found to have taken place on their property in Tacoma.

In support of this notion, the Agency draws the Court's attention to several cases under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) usually referred to as Superfund. ^{and a decision from 1984} The Court has carefully reviewed the cases cited by the Agency and finds that, in fact, the Courts have found that non-negligent land owners are liable for contribution to the cost of cleaning-up the facilities involved.

Language in the various decisions reviewed is not particularly helpful in that they contain little or no analysis of the rationale behind the Court's ruling that the non-negligent and non-participatory property owners were liable for paying their share of the cost of the clean-up. The Court merely cited the language of the statute which states that owners, operators, transporters, and those who arrange for the transport of hazardous substances are liable under the Act. In the case of United States v. Argent, 21 ERC 1354 (D.N.M., 1984), the Court found that the owners of land leased to operators of a silver recovery business are liable under the Act for costs incurred by the Government in responding to a spill of sodium cyanide even though the land owner was not connected

with the silver recovery business. The legislative history shows Congress intended land owner/lessors to be within the definition of owners liable under §107 of CERCLA.

it isn't only basis of argument

Although these cases are interesting, they are not, in my judgement, controlling in the case presently before me. There are several reasons why this is true. The first being, of course, the obvious one that the cases cited by the Agency to support its theory were decided under a completely different statute. The other reason being that when one examines the sanctions available to the Government under CERCLA and the purposes for which it was enacted, they are, in regard to land owners, very different from the provisions under RCRA. In the CERCLA cases the costs are recovered for clean-up and the bringing of the properties in question back to a non-hazardous state. Clearly this enterprise on behalf of the Government and/or its contractors inures to the benefit of the land owners because, absent such clean-up, the land would be, for all practical purposes, useless to him and unavailable for any commercial use. Since in the case of CERCLA, the absent and non-participatory land owner has reaped a benefit by the clean-up accomplished by the Government, it is only fair that he share in the costs involved therein. Such is clearly not the case here where the land owners, Cragle and Inman, were merely arms-length lessors of a discrete piece of real property and had nothing whatsoever to do with the operation of the business engaged in by the Drexlers. Also at no time prior to the institution of the Complaint in this matter were they advised that there was any improper activity being conducted by the Drexlers on their property. The record indicates that this facility has historically been used for the storage of oil many years prior to the enactment of RCRA and that there was nothing to alert

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the land owners to the fact that somehow the activities being conducted thereon by the Drexlers was in any way different from what previous tenants had been doing in the past.

In this regard, I am more persuaded by the language of the Court in Amoco Oil Company v. EPA, 543 F.2d. 270 (D.C. Cir., 1976), which held that the Agency acted improperly when it promulgated regulations under the Clean Air Act which attempted to make refiners of gasoline responsible for illegal activities committed by tenants of retail gasoline service stations. The Court held that the mere fact that a refiner may have leased certain real estate and equipment to an individual who sells his product but does not, without more, furnish any logical or legal basis for imposing blanket responsibility upon the owner for offenses or illegal acts committed by the lessee of the premises. In the absence of any indication of a specific intent on the part of Congress to create a "new tort, the traditional common law rules of vicarious liability must apply." In the Amoco case, supra, the Court refused to hold the refiner liable for the illegal acts of its lessee even though such lessees were purchasing and selling products manufactured and distributed by the refiner. That relationship is certainly a lot closer and of a more mutually beneficial nature than that which exists between the Drexlers and the land owners in this case who had no interest, knowledge or association with the used oil business conducted on the property.

Therefore, I am of the opinion that, under the facts in this case, the notion of vicarious liability as to the non-negligent and non-participatory land owners in this case is not applicable and that I herewith find that the lessors, Craigle and Inman, are not liable for any civil penalty, nor are they subject to any Order which might issue under

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this case. There is, of course, nothing to prevent the Agency from causing the facility to be cleaned up and then attempting to obtain contribution from the land owners under CERCLA. They may not, however, impose a civil penalty under RCRA in these circumstances.

The Drexlers, as to the Tacoma facility, argued several defenses. One of which is that they did not know that the materials they were processing at the facility constituted hazardous wastes. And secondly, that they are not liable for any civil penalty under the Act because of an agreement they entered into with the Department of Justice in association with their criminal conviction and subsequent incarceration for activities un-related to this matter.

As to the first defense, it may well be true that, initially the Drexlers were not aware that what they were doing constituted the handling of waste materials. However, they admitted on several occasions that they were handling certain solvents and other highly flammable materials and were apparently freely mixing them with the waste oil which they had collected from other sources. Under the circumstances, it is clear that the Drexlers, George and Terry, are liable under the Act for the operation of a hazardous waste facility without first obtaining a permit.

As to the second defense, that is the agreement they entered into with the Department of Justice prior to entering a guilty plea in a criminal matter, the record is clear that nothing contained in that agreement has any bearing whatsoever on the matter currently before me. Paragraph 5 of the agreement entered into between the Drexlers and the Department of Justice states that "this agreement is in disposition of all Federal criminal charges arising from the defendants George and Terry Drexler's businesses and in further consideration of the defendants

guilty pleas the Government agrees there will be no additional Federal charges filed on events which occurred on or before November 24, 1982 in connection with those businesses." Although the language quoted is not without ambiguity, it is clear that it was the intent of the Government and of the Drexlers that the agreement that they signed only applied to Federal criminal charges arising from their businesses and did not, and in my judgement could not, have constituted an absolute granting of immunity to the Drexlers by the Government for any and all unrelated criminal and civil matters that the Drexlers might have additionally been guilty of. I, therefore, am of the opinion that the above-mentioned agreement does not insulate the Drexlers from liability relating to civil penalties associated with the operation of the Tacoma or Rathdrum facilities. This interpretation is further bolstered by a letter dated October 19, 1984 from Stephen Schroeder, Assistant U.S. Attorney in Seattle, to Ms. Barbara Lither, then the EPA attorney in charge of this matter, which stated that the "parties to the attached agreement neither contemplated nor intended to dispose of any civil proceedings which might be conducted. Indeed, everyone assumed that civil tax consequences would ensue from the criminal judgement."

The Rathdrum Site - X-83-04-02-3008

170 — This Complaint involves once again George Drexler and his corporations, ^{Tommy} Terry Drexler and W. A. (Alan) Pickett, which owned and operated a hazardous waste management storage and disposal facility in Rathdrum, Idaho. Since the facility commenced operation prior to November 1980, it was eligible for interim status. The facility did notify EPA of its existence under the Act and filed a Part A application which was signed

by Mr. Pickett as owner when, in fact, he was not the owner. At the time that the Part A application was filed with the Agency, EPA was unaware of the problems associated with Mr. Pickett signing and it assumed the facility was enjoying interim status. Upon being advised by Mr. Warren Bingham, one of the Respondents and the owner of the property, that he had not authorized Mr. Pickett to sign the application, the Complainant requested that the Respondent submit a corrected Part A application or submit a closure plan. Respondents subsequently stopped operations but have neither re-submitted the Part A application, nor submitted a closure plan. Despite that discrepancy, the Agency apparently still considers the facility to have obtained interim status for the purposes set forth in the application, that being storers and treaters of hazardous wastes.

The Complaint states that the Respondents spilled and/or disposed of hazardous wastes or hazardous waste constituents into the soil surrounding some of the buildings and tanks on the facility and such release constitutes disposal. Since the facility had not qualified for interim status for disposal it is therefore in violation of § 3005 of the Act. The Complaint then goes on to list approximately eleven (11) discrepancies which the inspections and investigations of the facility disclosed and for which the Complaint proposes to assess penalties. The Complaint initially proposed a civil penalty in the amount of \$75,925.00 which was subsequently reduced to \$73,500.00.

As I understand the Complainant's position, they view the Respondents in this case as operating a facility which enjoys interim status despite the fact that they have alleged in the Complaint that the Part A application originally filed was defective inasmuch as it listed W. A. Pickett as the owner of the facility, when, in fact, the premises were owned by

waste, but not as to the other wastes that it handled. However, the Part A application and the supplement later filed, were both signed by Alan Pickett as owner, a defect which the Agency considers as rendering the application unacceptable. Therefore, it would seem that the Rathdrum facility was operating without interim status for any waste, including D001. This conclusion is bolstered by the language of the regulations. 40 C.F.R. § 270.70(b) provides that:

"Failure to qualify for interim status. If EPA has reason to believe upon examination of a Part A application that it fails to meet the requirements of § 270.13, it shall notify the owner or operator in writing of the apparent deficiency. Such notice shall specify the grounds for EPA's belief that the application is deficient. The owner or operator shall have 30 days from receipt to respond to such a notification and to explain or cure the alleged deficiency in his Part A application. If, after such notification and opportunity for response, EPA determines that the application is deficient it may take appropriate enforcement action."

The footnote to this section advises that:

"When EPA determines on examination or reexamination of a Part A application that it fails to meet the standards of these regulations, it may notify the owner or operator that the application is deficient and that the owner or operator is therefore not entitled to interim status. The owner or operator will then be subject to EPA enforcement for operating without a permit."

The scenario depicted in the regulations is exactly what happened in this case. The Respondents never filed an amended application which the Agency found to be acceptable. (See the testimony of Linda Dawson, Tr. 83-89.)

The lack of interim status does not, however, relieve a facility of the duty to comply with the provision of Part 265 of the regulations. This is clear from a reading of § 265.1 which states that the regulations apply to those who have been granted interim status as well as those who failed to notify under § 3010 of the Act or to file an acceptable Part A application.

containing oil were very visibly leaking onto the ground. This oil on the ground was present despite the fact that Arrcom had changed the dirt and gravel at the facility before it began operations there. The inspection revealed no evidence of any record keeping of any kind at the facility. There was no complete or continuous fence surrounding the site and the tanks were in general disrepair. No safety equipment or fire extinguishers or telephones were present at the facility. One can only speculate as to the presence of these items when the facility was in operation by Arrcom, but no evidence was forthcoming that the required equipment was, at any time, present. As indicated above the records of the Respondents, George and Terry Drexler, were confiscated by the Government in connection with their criminal problems and after the Agency finally gained access to those records, a diligent search thereof revealed none of the records required by the regulations.

The inspector took a variety of samples from several locations on the property and subsequent analysis of those samples revealed significant concentrations of trichloroethane, ethyl-benzene, and methylene chloride, toluene and trace amounts of other listed hazardous wastes. A second and more extensive sampling and analysis effort was conducted June 6 through June 8, 1983 at the Rathdrum facility. A sample was taken from a large storage tank on the north end of the facility used for the initial storing and mixing of used oils and solvents. Analysis of that sample revealed the presence of ethyl benzene at 5,000 ppb, toluene at 6200 ppb, and xylene at 17,600 ppb. Samples from other tanks on the facility also revealed the presence of solvents and other listed hazardous wastes in high concentrations. Soil samples taken near the large storage tank also

since as owners and operators they are responsible for any conditions that exist thereon and that the Agency can only be guided by what its inspections and sampling analysis endeavors produce, since they did not inspect the premises until after they were abandoned by the Drexlers due to their forced eviction. Given the record in this case, one must recognize that the credibility of the Drexlers must be viewed with some suspicion. In addition, the Agency provided for the record, copies of manifests which indicated that the Drexlers were, in fact, handling hazardous wastes at the facility in the form of spent solvents and, therefore, their protestations to the contrary are not worthy of significant weight. In this regard, the Drexlers stated that the paint thinner which they recieved on their property was taken there by one of their truck drivers without knowing of its nature and that except for that one instance, they had never received anything else other than used oil at the Rathdrum facility. The Respondents further argue that Arroom had been locked out of the Rathdrum site since December 1981 and that the owner since 1979, Mr. Warren Bingham, would not allow anyone associated with Arroom on the premises. The Respondents argue that this lockout was so sudden that there was no opportunity to empty out the tanks and police the area and Arroom had no idea what, if any, activities occurred on the premises since January 1982. Mr. Drexler also argues that he never authorized anyone in his employ to apply for a Part A permit for the facilities but, in Court, upon cross-examination, he admitted that Mr. Alan Pickett had the apparent authority to act in Mr. Drexler's stead to accomplish whatever business activities were necessary in order to keep the operation running. Apparently Mr. George Drexler, the President of Arroom, did not spend much time on the facilities in question since he

From this record, it is clear that as to the Tacoma facility they operated a hazardous waste facility without obtaining interim status therefore. As to the Rathdrum facility they were either operating without interim status as to disposal and the handling of certain spent solvents or, depending on which legal philosophy you want to adopt, they were operating the Rathdrum facility without interim status as to any pollutants or hazardous wastes. The Drexlers, through their various corporations, in my judgement, made a good faith effort to operate the Rathdrum facility in a way that they felt would not harm the environment. However, they did not appreciate the impact of the regulations on the those portions of the Rathdrum facility which they did not actively operate. They apparently took the position that they were not responsible for the conditions existing on the premises when they purchased it and that as long as they operated those discrete portions in a safe and business-like manner, that they would not violate any environmental regulations. Unfortunately, history in this case has demonstrated the incorrectness of that posture.

The decision in this case is further complicated by the fact that none of the Respondents appeared by counsel at the Hearing and, therefore, their presentation and their subsequent filing of post-hearing briefs was, to that extent, deficient, although Mr. Foss, the accountant who appeared on behalf of Mr. George Drexler, did a commendable job considering his lack of expertise and training in the area under discussion. As indicated above, the factual investigation of this case was further complicated by the fact that the great bulk of Respondent's records were previously seized by the Federal government and, if one believes the Respondent's testimony, large portions of those records were never returned to them